

HEALTH & HUMAN SERVICES COMMITTEE
of the
Suffolk County Legislature

Minutes

A regular meeting of the Health & Human Services Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Hauppauge, New York, on **May 6, 2004**, at 9:30 A.M.

Members Present:

Legislator Paul Tonna - Chairman
Legislator Brian Foley - Vice-Chair
Legislator Daniel Losquadro
Legislator Ricardo Montano
Legislator Jay Schneiderman
Legislator Vivian Vilorio-Fisher
Legislator Elie Mystal

Also in Attendance:

Mea Knapp - Counsel to the Legislature
Ron Cohen - Aide to Legislator Tonna
Jim Spero - Director/Budget Review Office
Linda Bay - Aide to Presiding Officer Caracappa
Dan Hickey - Aide to Presiding Officer Caracappa
Kara Hahn - Aide to Legislator Vilorio-Fisher
Kevin LaValle - Aide to Legislator Losquadro
Ed Hogan - Aide to Legislator Nowick
Nick Dispenziere - Aide to Legislator Nowick
Ben Zwirn - Assistant Deputy County Executive
Ivan Young - Assistant Deputy County Executive
Dr. Linda Mermelstein - Acting Commissioner/Dept of Health Services
Dr. Bryan Harper - Nominee/Commissioner-Department of Health Services
Vito Minei - Director of Environmental Services/Dept of Health Services
Dominick Ninivaggi - Vector Control/Department of Public Works

Ed Hernandez - Deputy Commissioner/Department of Social Services
Traci Barnes - Assistant Commissioner/Department of Social Services
Linda O'Donohoe - Assistant to the Commissioner/Dept of Social Services
Jeff Meyer - Chief Investigator/Department of Social Services
June DiTommaso - Special Investigation Unit/Dept of Social Services
Betsy Geary - Director/Community Program Center of Long Island
Lori Maldavir - Community Program Center of Long Island
Cliff Hymowitz - Concerned Citizens for Public Transportation in SC
Peter Wong - Martin Luther King Health Center
Roger Corbin - Deputy Presiding Officer/Nassau County Legislature
Betty Easley - President/National Coalition of 100 Black Women
Jack Prophet - Office of Minority Affairs/Nassau County
Bridget Baio - Director/The Sayville Project
Anita Fleishman - Pederson-Krag Center
Yvonne M. Quirk - NAACP
Florence Joyner - OIC of Suffolk
All Other Interested Parties

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Minutes Taken By:

Alison Mahoney - Court Stenographer

(*The meeting was called to order at 9:30 A.M. *)

CHAIRMAN TONNA:

Good morning, everyone. Please rise for the Pledge led by our Minority Leader, Legislator Foley.

Salutation

Go ahead, sit down. I'm not one usually to start with apologies but you'll notice I don't have a tie on because it's golf season and, quite honestly, if anybody knows me, since it starts to get sunny out and things, it's very rare you're going to see me with a jacket and a tie. The jacket, you know, it's a committee meeting, you've got to wear a jacket, at the full Legislature I will be tempted to wear a tie, but just in general after that, you know.

All right. Well, we have a few cards and we have -- I wouldn't call this a full agenda but, you know, the hidden agenda always tells us more. And I see that we have some people today here who -- you know, there must be something good going on, so we'll start with the cards. All right, there's number one, Clifford? Hey, Clifford, how are you?

MR. HYMOWITZ:

Long time no see.

CHAIRMAN TONNA:

Cliff, I remember when you were last here, it must be about transportation; am I right?

MR. HYMOWITZ:

You got it.

CHAIRMAN TONNA:

There we go. Good to see you.

MR. HYMOWITZ:

Thank you, sir.

CHAIRMAN TONNA:

All right, you have 30 seconds; no, I'm joking, go right ahead.

Thank you.

MR. HYMOWITZ:

Okay. I want to thank Chairman Tonna and the rest of the Suffolk County Legislature Health and Human Service Committee for this opportunity to address you. My name is Clifford Hymowitz and I am Director of Concerned Citizens for Public Transportation in Suffolk County. As well as being Director of this organization, I am also a member of the Suffolk County Transportation Advisory Board, recently appointed Chairperson of the Transportation Committee of the Suffolk County Disability's Advisory Board and newly appointed member of the National Steering Committee of Project Action.

At the direction of US Congress for 16 years, Easter Seals Project Action has been working with the disability community and transportation industry to increase the availability and use of

accessible service transportation for people with disabilities in the United States. Throughout that time, Easter Seals has successfully brought together representatives of these interests to serve on a National Steering Committee where they can work together to revise the project regarding the development and delivery of training programs, the design and provision of technical assistance, the production of distribution of products and the establishment of research project priorities and provide other counsel as needed.

As an advocate for transit dependent citizens of Suffolk County, I have been actively working to educate all the stakeholders about the benefits of coordination as well as increased accessibility of the public transportation system which includes Suffolk County Accessible Transportation, SCAT, a demand responsive service as well as the fixed route service.

Today I would like to share with you some concerns I have involved with SCAT. I am very happy to say today that Suffolk County Division of Transportation, in their decision rewarding the new contract for SCAT, has sent a strong message to the disability community that they are committed to providing a quality service. Today I offer you a couple of suggestions that I feel will help to go to enhance that service even more. Accessibility to health care by members of our minority community can be an extremely difficult task. In order to eliminate one barrier, it is my suggestion that the committee recommend that all material related to SCAT certification and usage be offered in Spanish. Part of the improved service of SCAT is that there are now two reservations that are bilingual; in order for this to have an impact, we must make our Hispanic community aware of this availability and provide equal access to the certification process by making application also available in Spanish.

I also would like to suggest that this committee recommend that the material provided to eligible riders be reviewed to ensure that the information is comprehensive and ensures that people are aware of the service provided as well as the responsibilities that go along with ridership. I am not aware of the last time this material has been reviewed.

In conclusion, I would like to share with you what is in the future for Concerned Citizens for Public Transportation in Suffolk County. One person that always showed a tremendous support for my advocacy efforts was Maxine Postal. As Presiding Officer, she always sent a strong message that she not only supported me but she was always prepared to take a stand right along with me when it came to providing an accessible transportation system.

I was recently made aware that Maxine had allocated funding to be provided to Suffolk Community Council to ensure that my advocacy efforts would be supported. This funding has given me an opportunity to develop and maintain a website for Concerned Citizens of Public Transportation in Suffolk County, www.transitrider.net. This website, now available, has access to a comprehensive data base of every transportation resource in Suffolk County as well as transit news about issues here in Suffolk County as well as on a State and Federal level and alerts to all public meetings. I also would like to point out that this website has certification as to the accessibility of its format. I am also in the process of putting together a newsletter that will be published on a bimonthly basis and I provided you with a draft of that newsletter for your review. Hello? Hello?

LEG. FOLEY:

We see it, Cliff.

CHAIRMAN TONNA:

Hello, hello. You want transportation or communication, you've got to make your decision. No, I'm joking.

MR. HYMOWITZ:

Well, I just want to make you aware that you all have a copy of the draft of the newsletter. Thank you.

CHAIRMAN TONNA:

Yes, we've got it right here. By the way, just to interrupt you for a second, how many people do you send that newsletter out to, approximately?

MR. HYMOWITZ:

I haven't -- it just is the draft, it's going to go out to about 500 people.

CHAIRMAN TONNA:

Great.

MR. HYMOWITZ:

And I'm also providing people on the bus today as well as other places to sign up if they want

access to the newsletter and it also will be available on the net, on my website.

CHAIRMAN TONNA:

I can see you've thought a lot about this.

MR. HYMOWITZ:

A lot.

CHAIRMAN TONNA:

All right, keep going.

MR. HYMOWITZ:

Okay. In order to ensure that as many people as possible have the opportunity to know about these resources, I request that this committee recommend that I be given the opportunity -- God.

LEG. FOLEY:

We're listening.

MR. HYMOWITZ:

In order to ensure that many people have the opportunity to know about these resources, I request that this committee recommend that I be given the opportunity to let all SCAT eligible riders know about these resources by requesting a letter from Concerned Citizens for Public Transportation in Suffolk County be mailed by the Office of Handicapped Services, the custodian of this mailing list. With your support, I will draft a letter and present it to the Suffolk County Disability Advisory Board for their review. Thank you very much.

CHAIRMAN TONNA:

Thank you.

LEG. LOSQUADRO:

Thank you.

CHAIRMAN TONNA:

I want to thank you. I know it was a long statement and you read it pretty quick and I

appreciate it. I know we have transcripts and stuff like that. Do you have a copy of your statement?

MR. HYMOWITZ:

I gave everybody a copy and I gave it to --

CHAIRMAN TONNA:

Okay, that was the second hello. Okay, thank you very much.

LEG. FOLEY:

Mr. Chairman?

LEG. VILORIA-FISHER:

Wait a minute.

LEG. FOLEY:

Mr. Chairman, if I may.

CHAIRMAN TONNA:

Let me guess, you have questions. It's going to be a long meeting. All right, first Legislator Viloria-Fisher.

LEG. VILORIA-FISHER:

I would just like to thank Cliff for being such a constant and strong advocate for transportation. And I would just like to mention that this morning I took the bus to work. My bus -- my car ride from my District Office to Hauppauge is between 20 and 25 minutes generally, if there's bad traffic it takes a half hour; it took me over two hours to get here this morning. Notice the bad hair, because it's a mile walk to the bus stop from my house.

CHAIRMAN TONNA:

At least you have hair.

LEG. VILORIA-FISHER:

There you go.

CHAIRMAN TONNA:

All right? Let's put things in perspective.

LEG. VILORIA-FISHER:

But you know, Cliff road on the bus with us this morning and I recommend to all public officials who are making any kind of determinations regarding transportation that you just do it once, that you try to have one day where you have to get to work and you don't have a car. The people who road on the bus with us -- and Cliff has been singing this song for years. But unless you're sitting next to people who have had to take three buses to get to work and have to leave their homes at six o'clock in the morning to get to work by nine o'clock, who have no way to get to work if their job requires them to work on Saturday and Sunday, they have no way to get to work, and a woman who lives in Riverhead had to pay \$50 in cab fare because her one bus arrived too late for her to make the connection for the second bus, so it cost her \$50 in cab fare to get home; these are not people that are making a lot of money.

CHAIRMAN TONNA:

Right.

LEG. VILORIA-FISHER:

These folks are out there commuting from four to six hours a day and they're making low wages. And I just want to applaud Cliff for being there with us this morning, asking the right questions, taking notes on what people were saying, really encouraging them that he's out there working for them. In fact, I'll tell you something that Cliff did this morning that we will see perhaps become reality in the near future. Smithaven Mall is one on the hubs for the bus transfers and Cliff had -- and other bus riders who were standing out there waiting, it was a 25 minute wait for the bus for me and Cliff came from his connection and people were saying, "Look where the bus stops, at the side of the mall where there are no services." It's not near the food court so you could run in and get yourself a bagel while you're waiting 25 minutes for the bus, no place to sit, not real shelter there where the bus arrives, and Cliff was proposing that the County look at creating a hub, a center at the mall. Well, it just so happened, by the way, that a security guard was very dismayed at the crowd that we were forming out there with TV cameras and photographers and was trying to throw us off the private property. When you're a bus rider you become vulnerable, and even with our TV cameras and everything else we were still vulnerable to being told, "Don't congregate here." Cliff said we were being

profiled.

At any rate, the Simon's manager came out to see what was going on which actually led to a very positive conversation because he and Cliff entered into a conversation talking about a hub. The Simon's General Manager said that they were contemplating following this model that this man had worked on in Chicago and Cliff had said, "Look, I'm an advocate and I want to bring some Federal monies, if you're willing to work with us," and we almost began a deal to put the bus transfer station near services, where people could go to a bathroom, get themselves a cup of coffee or a bottle of water. So you know, Cliff, you really are out there and you make things happen and I just want to thank you for that.

CHAIRMAN TONNA:

There we go, Cliff.

Applause

LEG. MYSTAL:

Paul?

CHAIRMAN TONNA:

I have a list and, Elie, you're on it. Legislator Foley.

LEG. FOLEY:

Yeah, thank you, Mr. Chairman. Certainly we echo Legislator Vilorio-Fisher's comments and, Cliff, you have been an excellent advocate, particularly on the transportation Advisory Board. One thing I wanted to follow-up on, Mr. Chairman, is that he's requested of us that we recommend to the Office of Handicapped Services that a letter that Cliff will be drafting that the Handicapped Services Office would mail that letter out. So whether we have to make a formal motion here at the committee or simply a letter --

CHAIRMAN TONNA:

No. I would ask --

LEG. FOLEY:

A letter as you as Chair to Bruce Blower to allow that once Cliff drafts the letter for that office to distribute the letter to the list that they are the custodians of.

CHAIRMAN TONNA:

Yeah, I think the best way is you can contact Legis -- Ron Cohen, Legislative Aide; he's really the Legislator, I mean, let's not joke, I mean, he runs the day-to-day stuff. So Ron will get your draft, he'll circulate it to all the members of the committee, right; Brian, is that acceptable?

LEG. FOLEY:

Sure.

CHAIRMAN TONNA:

Everybody will get an opportunity to look at it, we don't want to sign your name onto something that you haven't looked at, if you give it the okay we'll send it over as a committee. Okay?

MR. HYMOWITZ:

Thank you very much.

CHAIRMAN TONNA:

Is that acceptable to you, Legislator Foley?

LEG. FOLEY:

Sounds like a fine idea.

CHAIRMAN TONNA:

Great, okay. Ron, you're responsible for that. Legislator Losquadro, then Legislator Mystal.

LEG. LOSQUADRO:

Cliff, again, a lot of thanks going around today but I just want to thank you. I know you've been over to my office, my staff has a very daunting task of looking at this transportation issue. My staff and I have been working very hard on it, I know we've had a number of discussions with you and I'm glad to see that other people are on board with this also and hopefully we can affect some positive change in the near future. So thank you again for all your hard work.

MR. HYMOWITZ:

Thank you.

CHAIRMAN TONNA:

Okay. Elie?

LEG. MYSTAL:

Thank you, Cliff. I'm so happy to see eastern Legislators on board on this issue, it's an issue that Maxine Postal and I as her Aide that we've have been fighting for the past 15 years.

As much of you know, we represent a district that is dependent on public transportation, we service a corridor that houses a lot of factories, New Horizon and the Allen -- in Farmingdale on Allan Boulevard, the 110 corridor. We have a lot of people, not just people of color, we have a very large population of Polish immigrants who live in Copiaigue and we have seen them riding their bikes to go to work and get run over trying to cross Sunrise Highway.

The problem that I'm seeing is that it is very good for us to talk about public transportation and have letters and have blah, blah, blah here and there, the basic problem is money. We have to find some way to get the Federal government, when they are passing out money for transit in terms of subways, in terms of the Long Island Railroad, in terms of Amtrack and Metro, we have to find some kind of way to put some pressure on our Congress people and our Senators to bring public money to fund public transportation in Long Island. I know, I know Robert Moses did not build Long Island for all the black folks, this is the basic part of it. That's why the bridges are so low, we can't get any buses on the parkway, it wasn't built for poor people -- not so close. It wasn't built for poor people. Unfortunately we do need a work force. I mean, who is going to do the factory work, who's going to do our yard? Whether we like it or not, we need people to do certain work and they cannot afford the cost of cars so we have to provide them with transportation and the only way we're going to be able to do that is to bring public Federal money. The County will never have the money to do that, the town will never have -- I don't care how much we plead, how much we talk, blah, blah, blah; no, it ain't going to happen. We need money.

CHAIRMAN TONNA:

Know how to spell blah, blah, blah?

MS. MAHONEY:

Yes.

CHAIRMAN TONNA:

All right, we got that down.

LEG. MYSTAL:

B-L-A-H.

CHAIRMAN TONNA:

All right, thanks. Clifford?

MR. HYMOWITZ:

Just one last comment.

CHAIRMAN TONNA:

It's a comment, only a comment because we had enough comments.

MR. HYMOWITZ:

No, it's a comment.

CHAIRMAN TONNA:

Go ahead.

MR. HYMOWITZ:

Please keep in mind my request that this committee consider that the information that's available should be put into Spanish; this is something that I talked to Maxine for years about, we never got to get it imposed. There's no reason why that the process, we have people that are available now that are bilingual, okay, we need to make the application and all the information available --

CHAIRMAN TONNA:

It's not in Spanish right now?

MR. HYMOWITZ:

No.

LEG. VILORIA-FISHER:

Excuse me, Mr. Chair. I just asked Counsel to prepare a resolution for us to do that.

CHAIRMAN TONNA:

Yeah, put me on as a cosponsor.

LEG. VILORIA-FISHER:

And by the way, I was just in Portland, Oregon, and they have a light rail system and when the bus stops were called out they were called out in English and Spanish and there's no reason why we can't do that.

And as far as what Legislator Mystal said, this morning I was asked by News 12, "What do you want your advisory board to do," and I echoed exactly what Legislator Mystal just said. It has to begin with our Federal government, there has to be a commitment that people can't work if they can't get there.

CHAIRMAN TONNA:

Right.

LEG. VILORIA-FISHER:

And if you're going to have a personal responsibility act, if you're going to move people from Welfare-to-Work, they have to be able to get to work, and they can't get there without public transportation.

CHAIRMAN TONNA:

Right. Thank you. It's pretty interesting, and I think Legislator Foley and myself, being here for a long time, would remember the days of bills that were English-Only. And so we've come -- thank goodness we've come a long way. So I would hope that we have at least 12 votes, though, because I know that the current County Executive was a big proponent of English-Only. You know, having a memory, so hopefully we'll have 12 votes --

LEG. VILORIA-FISHER:

We'll work on that.

CHAIRMAN TONNA:

-- to make sure -- or maybe there's been some growth there.

LEG. MYSTAL:

No politics.

CHAIRMAN TONNA:

But anyway, great. No politics, this is government so let's just -- this is just facts. So hopefully we'll move ahead and make sure that we can do things like that to accommodate people. Thank you.

All right, next card, Anita Fleishman? Hi, Anita. How are you? Welcome.

MS. FLEISHMAN:

Good morning. The next card is Bridge Baio.

MS. BAIO:

Can we come up together?

CHAIRMAN TONNA:

Sure you can come up together. And I would assume--

MS. BAIO:

I'm Bridget Baio.

CHAIRMAN TONNA:

Okay, thanks. Different color pens, my error.

MS. FLEISHMAN:

Just to throw you off.

CHAIRMAN TONNA:

Yeah, no, no. Don't worry, it takes very little to throw me off.

Go right ahead.

MS. FLEISHMAN:

Good morning.

CHAIRMAN TONNA:

Good morning.

MS. FLEISHMAN:

Thank you for giving us the opportunity for speaking today. I'm Anita Fleishman, the Executive Director of the Pedersen-Krag center and Co-Chair of the Suffolk County Mental Health Coalition of Service Providers; I get baffled as you do sometimes.

We're here this morning to thank Legislator Cooper and support his Memorializing Resolution S-027 which is assistance to establish adequate housing for displaced residents of adult homes in Suffolk County. I certainly know that this committee, as well as the full Legislature, has seen several presentations on the adult home prices that exist now in this County. However, at this point I feel that we all must take some collective responsibility in the travesty that's occurring and continues to occur to this very, very fragile and vulnerable population.

We have been -- the coalition has been working for months in an attempt to work with the Department of Health, the Commission on Quality Care and the Department of Health in coming to some resolution for the immediate crisis, and also looking ahead to what's going to be certainly a long-term crisis as these adult home operators continue to either have their homes closed or continue to have them closed by the Department of Health.

So a great number, again, of residents are being displaced. It truly is reflective of poor if no planning on behalf of these other agencies and it's just going to continue to snowball and create tremendous -- a tremendous negative ripple effect on Suffolk County and it's communities.

CHAIRMAN TONNA:

Great. Please.

MS. BAIO:

Since we spoke -- thank you for allowing us to come back. Since we spoke last meeting, we

now have 225 residents today who are facing homelessness. We have individuals in the Bay Shore Adult Home, the Henry Perkins Adult Home, the Bayport Adult Home, the Family Lodge Adult Home and the South Country Adult Home which just closed its doors this week; we have two individuals that are actually living with former staff members of the home because there's no housing for them right now in Suffolk County. And so we implore you at this point to help us to take some responsibility for Suffolk County residents.

LEG. VILORIA-FISHER:

What can we do?

MS. FLEISHMAN:

You know, we feel that this is the first step in, first of all, acknowledging that there's a problem and recognizing that there's a problem, which of course we've been hearing all along, you know, "Don't worry about it, we'll take care of it, there's really no problem, we've planned"; no planning has been done. So I believe the first step is acknowledging that there's a problem, not just a problem but a crisis that's existing. And then to --

CHAIRMAN TONNA:

A crisis with regard to mental health homelessness or homelessness?

MS. FLEISHMAN:

Well, unfortunately that's --

CHAIRMAN TONNA:

Because we've been screaming about homelessness for quite some time.

MS. FLEISHMAN:

And that's very much interrelated.

MS. BAIO:

Particularly the mental -- in adult homes about 85% of the individuals who live in adult homes in Suffolk County are individuals with mental illness.

CHAIRMAN TONNA:

Right.

MS. BAIO:

And so we're talking about definitely a mental health problem as well as a homeless problem.

CHAIRMAN TONNA:

Right. Well, the sad problem that we have, we have prison-filled --

MS. FLEISHMAN:

Absolutely.

CHAIRMAN TONNA:

Our prisons have become a de facto mental health facility --

MS. FLEISHMAN:

Absolutely.

CHAIRMAN TONNA:

-- because we're putting into prison instead of adequate mental health facilities also.

MS. FLEISHMAN:

Absolutely. So we really need the Legislature to bring pressure to the agencies, namely the Office of Mental Health, Department of Health, the Commission on Quality Care to work together to try resolve this problem. It is affecting our citizens.

LEG. SCHNEIDERMAN:

Can we get a letter out on this or three letters?

CHAIRMAN TONNA:

Sure. You know, we'd be glad to -- well, we have a resolution I think, we're sending a pretty powerful -- powerful; how powerful can a Memorializing Resolution really be? But, you know, it's a start, all right, it's a start and we're sending a message. I think those who have read the bill, you know, are in favor and support Legislator Cooper's initiative. There needs to be more than just a Memorializing Resolution obviously and, you know, this is an issue that should be piggy-backed on to the issue with our prisons. We're going to be spending hundreds of millions

of dollars building, you know, larger prisons when we really need mental health facilities.

LEG. FOLEY:

Mr. Chairman, if I may?

MS. FLEISHMAN:

Also, I just want to just as an aside and then I'll be finished. In support of what Clifford Hymowitz just said and Legislator Fisher, you know, it's one thing getting to work and it's another thing with regard to transportation; try being disabled trying to get to a doctor's appointment or to a mental health appointment. There are so many people in our community that are not receiving the scarce resources that are out there because they have no way to get to them and that's very, very critical that you keep that in mind.

CHAIRMAN TONNA:

Thank you very much. Thank you. Okay.

LEG. FOLEY:

Paul?

CHAIRMAN TONNA:

Oh, sorry. Legislator Foley.

LEG. FOLEY:

It's not so much a question as an observation.

LEG. MYSTAL:

If its not a question don't ask it.

LEG. FOLEY:

Well, that's why I'm not asking a question, it's making an observation.

CHAIRMAN TONNA:

It's the prerogative of the Chair to be able to say and I'm recognizing Legislator Foley.

LEG. FOLEY:

Something Legislator Mystal will learn as time goes on.

LEG. MYSTAL:

Thank you.

LEG. FOLEY:

At any rate, I think what we need to do, one of the things we can do is not just write a letter but also request of our counterparts from the State, be it State Senators and State Assembly People, perhaps because the problem is as acute as it is that they should be joint committee hearings held by both County Legislators with the State Legislators about this particular problem. That kind of let's say multi governmental hearing has never been held before, but I think because of the problem that you have outlined and others before you have outlined, I think it's well past time that we have the State Legislators hold -- particularly those who are involved in the field of mental health, they should be holding public hearings here on the Island, both in Nassau and Suffolk; and we would be happy to join them to do it jointly so that it would be with one voice to hear testimony about this problem.

Because as was just mentioned by the Chair and by others of us, when I was chair of this committee, be it Democrat or Republican, for years we have spoken about the needs of the mental health community, the needs of those who are homeless. And the fact of the matter is we can speak till we're blue in the face and if those at the State level, for instance, continue to sell State properties so that there's no State lands that we can place proper housing on and then there's the geographic bias where many of these places are housed on the southern end of our County and where you're seeing adult homes going out of business and then been scooped up right away by those who are going to make those places homeless centers, okay.

So there's a whole host of problems here and it basically comes down not to the County, it comes down to the administration at the State level. So other than making changes in administration at the State level, the next thing is to highlight the news, the powers, if you will, and the influence of committee hearings jointly held by the State and the County to highlight the problems, I think that's what we need to do. Because as you said, there have been Newsday articles, there have been media articles, advocates have come here and have spoken with the State counterparts but the problem continues along. I have said it before and I'll say it again today, as one adult home operator told me, you can't kennel a dog for \$28 a day when it costs about \$55 a day to house those -- not to house but to properly serve those who are in our

adult homes. So this a systemic problem that goes back many years and I think the hearings, Mr. Chairman, I think is one way that we can do that, but not just by ourselves but with our State counterparts.

MS. FLEISHMAN:

Thank you so much.

LEG. VILORIA-FISHER:

I just have another question, Mr. Chair, if I may?

CHAIRMAN TONNA:

Yes. Oh, I'm sorry. Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

I didn't know if other people were waiting. Just to piggyback on that and I think it's a great idea to work intergovernmentally, to work across County lines because there are many counties in the State of New York that are experiencing this problem and many levels of government that we need to be on board. But my question is, pardon my ignorance, but if I recall, much of the homeless problem that we've seen in our generation occurred because of closing down or changing the larger institutional facilities that were available to the mentally ill. Is some of that data -- would some of that data be useful in underscoring the difficulty in the homeless situation now with the closing down of the adult homes if we were to have those committee meetings; am I making that clear?

MS. FLEISHMAN:

Absolutely the data would be helpful. And we've long said that this problem originated with deinstitutionalization that goes back to the 60's and 70's, these adult homes went into business because of that. And basically the rates never changed and the State --

LEG. VILORIA-FISHER:

Is your mike on? I'm having trouble hearing you.

MS. FLEISHMAN:

Oh, I'm sorry. And the State continues to deinstitutionalize people. Don't get us wrong, we're not beginning to say that people, a lot of these individuals that are in the State hospital should

not be let out and treated in the community. What we're saying is that's wonderful, but at least provide adequate services because then you start that circular thing of, "Well, we'll give you a little money, not quite enough to adequately supervise these individuals," and then it inevitably fails and then we hear, "Well, you couldn't make the program work."

These things are being set up to fail and you're going to -- what we need is we need adequate funding for the type of housing that we need to now house these individuals in the community. They shouldn't be deinstitutionalized, some should be but many do not have to be and can be in the community with adequate supervision; the current system doesn't provide for that.

LEG. VILORIA-FISHER:

And what you said earlier which was lack of planning, I would just like the money for lack of planning.

MS. FLEISHMAN:

Lack of planning, absolutely.

LEG. VILORIA-FISHER:

There was not enough planning when we deinstitutionalized.

MS. FLEISHMAN:

Yes. And now that it's reached crisis proportions, there's still not adequate planning, so that's what's frustrating.

CHAIRMAN TONNA:

We'll have a few more Legislators weigh in on this debate, hold it one second. Legislator Mystal.

LEG. MYSTAL:

I was going to try to keep quiet in this.

CHAIRMAN TONNA:

Yeah, right.

LEG. MYSTAL:

It bugs me. This is -- I'm a very liberal Democrat and this is one of those liberal Democrat propositions that started way back in the 60's and 70's when we let out a whole bunch of mentally ill people out with the understanding that we were going to provide services for them outside of the mental institution. Through a series of Governors, both Democratic and Republican, the adequate funding was never provided so now we have the problem. And I do understand your frustration and because we are accessible as Legislators and you come to us for us to do something about it, the plain of fact is there is didly we can do about it. You can come and talk to us, we do talk to you, we listen to you and we have concern and we would like to do something about it. The people that we need to put pressure on, the people we need to lobby, the people we need to be standing outside the offices, our State Legislators. You know, we are accessible, you come to us, you need to go and find their offices in Albany and everywhere else you can find them because they're the ones who can solve the problem. We don't have the money to do it again.

MS. FLEISHMAN:

Well, they say --

CHAIRMAN TONNA:

Elie, why don't we do better than that? There's only three people you need to lobby in Albany, right?

LEG. MYSTAL:

There's three white men. Okay, fine.

CHAIRMAN TONNA:

Why waste time with Assemblymen or State Senators? There's only three people; Bruno, Silver and Pataki. You spend a lot less time.

LEG. MYSTAL:

Fine, that's fine with me.

CHAIRMAN TONNA:

If you got two of those guys you're in good shape.

LEG. MYSTAL:

I agree with you.

CHAIRMAN TONNA:

One of them you're out, any of these other guys, you know. I mean, what could Legislator Conti do? Give me a break, all right? I mean, let's just -- or anybody else, okay? You know, that's the frustrating part about it. At least here in the Legislature if we have some jurisdiction or we have some de facto power as Legislators and it's under -- you know, it's free-wheeling enough that actually, you know, you never know, on any given day something -- a miracle could happen here; over there it takes more than a miracle and that's the problem. And mental health, you know, what natural advocacy group or lobby does those who are suffering with mental illness have besides dedicated human beings like yourself and others in the industry, you know, and some people of good will. You know, they're not given PAC checks, right? You know, they're not raising money for political campaigns like some contractors that we see who are getting in front of court or something like, right? So it's very, very difficult; to get the people in Albany to do the right thing takes almost a perfect storm.

MS. FLEISHMAN:

Well, we'll create that storm.

MS. BAIO:

But we need your help.

MS. FLEISHMAN:

We need all the help we can get.

CHAIRMAN TONNA:

No problem, I'd be glad to help you. But let's be honest, I mean, you know, if we're going to have a committee, you know, let's be honest, let's be honest with each other, it's a very, very frustrating situation when you have a dysfunctional Albany and a completely dysfunctional Albany. Thank you very much.

MS. FLEISHMAN:

Thank you.

LEG. FOLEY:

Thank you.

CHAIRMAN TONNA:

Sorry about that. All right.

LEG. VILORIA-FISHER:

Just feel free, it's your committee.

CHAIRMAN TONNA:

I mean, you think that Assemblyman Sweeney will take care of this problem for us? I mean, give me a break. All right, here we go. Betsy, come on up, I dare you; no, I'm joking. It's a pleasure having you here, Betsy.

MS. GEARY:

Thank you so much. I'm the new kid on the block and my name is Betsy Geary, I'm the relatively new Director of Community Program Center of Long Island, an affiliate of UCP of Greater Suffolk. I greatly appreciate the opportunity to come to you today, essentially to thank you for the support that Suffolk County has given our program, CPC, in the past and to ask for your continuing support.

I have been with CPC for the past five years, first as Associate Executive Director and now as Director, responsible for our Child Care, Elder Care and Head Start Programs. CPC, as you know already, is unique and innovative in that it provides these combined services within one setting. Our three centers are located in Ronkonkoma, Port Jefferson and Deer Park and we serve the Brentwood area as well. We serve over 500 working families each day.

As you know, our programs have been striving continuously for economic stability and programmatic excellence since our inception. This effort was significantly enhanced by CPC's becoming affiliated with UCP of Suffolk in June of 2001 due to the vision of UCP's Executive Director, Kathy Maul. We all lost a champion for human services with Kathy's untimely death just over a year ago; fortunately UCP remains committed to CPC's programs through the efforts and direction of Steph Friedman, our Executive Director. Through the County's support, CPC

serves over 500 families and allows them to go to work each day knowing that their child or frail elder is in a safe, stimulating, trusted and caring environment. More than 41% of our child care families rely on DSS support to remain employed and actively participating in the Long Island economy. Our Federally funded Head Start Program serves another 158 preschoolers and their families who fall below Federal poverty guidelines. Our staff is actively involved in helping families get this Head Start by guiding them toward ASL, GED or other educational programs.

Our Elder Care Program supports over 100 families caregivers who with the assistance of CPC are able to keep their frail elder parent, spouse or relative at home and to avoid costly nursing home placement. This program enhances quality of life for all elders while enabling the caregiver to continue to work. A unique element of our program is the fact that every day children and elders come together and benefit from that interaction with each other. We're very proud that CPC is the largest intergenerational program on Long Island and indeed in New York State. Our grant from the Suffolk County Youth Bureau helps us to continue this cutting edge work.

In closing, I want to thank you especially for the County subsidy that made it possible for CPC to implement the living wage legislation. While we were initially supportive of its intent, we were daunted and indeed threatened by the mandate. Yet because of the subsidy the hardship assistance which we've received, we have been able to fulfill the promise of that legislation. Our employees have benefitted significantly and we believe with you that increased salaries will result in decreased staff turnover, higher morale and better quality services. We could never have reached that level of wages without the County's living wage subsidy; indeed, we would have been forced to reduce our services as opposed to improving them and expanding them.

So on behalf of CPC and our employees, I want to thank you and ask for your support of that County initiative. We at CPC are committed to working with families to help them maintain their position in the work force and to provide the highest quality care. We rely on your support to help us to continue to do this and I'm here today to say thank you for what you have already done. Thank you.

CHAIRMAN TONNA:

Thank you. I just would ask also, maybe you can give a special phone call to Legislator Dave Bishop --

MS. GEARY:

Yes.

CHAIRMAN TONNA:

-- who was the sponsor of the law and, you know, he took a lot of heat as other Legislators had who supported the living wage and we knew that this was the right thing to do, that we need to do something about those low income and, you know, struggling to make a living. And so I think he does not sit on this committee, so maybe to communicate that message to him personally I think would be a nice touch. Okay, thank you.

MS. GEARY:

Thank you.

CHAIRMAN TONNA:

Okay.

LEG. MYSTAL:

Paul?

CHAIRMAN TONNA:

Yes. Sure, you want to -- No, we're not going to the agenda, we have some other things.

LEG. MYSTAL:

Okay, I just --

CHAIRMAN TONNA:

You want to make a comment? You don't even need a personal privilege just, you know.

LEG. MYSTAL:

I just want to -- most of you know that I recently had surgery and I was hospitalized at Southside Hospital and I had some of the best care I've ever had in hospital. And Mr. Sacca who is sitting over here with the public relation, I want to acknowledge his presence because it was fantastic, I was very -- it was a very, very touchy kind of situation, they had to go into my spine and sit there for about four hours to do what they had to do.

CHAIRMAN TONNA:

Now, they used the doctors, they didn't use Mr. Sacca, right? I mean, he's a public relations guy.

LEG. MYSTAL:

No.

CHAIRMAN TONNA:

I just want to make sure.

LEG. MYSTAL:

I don't know who they used but whoever they used was very, very, very good.

CHAIRMAN TONNA:

Because I'm sure if some people had, you know, a choice of who they wanted to do surgery, I'm sure it wouldn't have been one of the basic clerical people. But anyway, that was --

LEG. MYSTAL:

I just wanted to acknowledge that he has been very tremendously helpful and it was very good. Thank you very much, Mr. Sacca.

CHAIRMAN TONNA:

You've done a good job with the PR with this guy, that's for sure. Elie, now I heard you did it with no anesthesia, you wanted to stay awake during the whole process; am I correct?

LEG. MYSTAL:

Right.

CHAIRMAN TONNA:

Yeah, right. Okay. All right, let's go on. I would ask our -- we have a bill in front of us and maybe we can take the time to have Dr. Bryan Harper to come on up.

LEG. FOLEY:

Mr. Chairman, should we make a motion to take it out of order and then have him come forth?

CHAIRMAN TONNA:

Yeah.

LEG. FOLEY:

So motion to take 1432 out of order.

LEG. VILORIA-FISHER:

Second.

CHAIRMAN TONNA:

Okay, I'll make the motion, seconded by Legislator Viloría-Fisher.

1432-04 - Confirming the appointment of the Commissioner of Health Services (Bryan Lloyd Harper). Okay, that's great. How are you, sir?

DR. HARPER:

Good morning.

CHAIRMAN TONNA:

Welcome to the circus.

DR. HARPER:

Thank you.

CHAIRMAN TONNA:

Okay? I mean, Suffolk County, not this committee, this committee is very highly, efficiently run. Anyway, I'm sure that the Legislators are going to have some questions. And so, first of all, reading your CV, I have to say I'm quite impressed, sir.

DR. HARPER:

Thank you.

CHAIRMAN TONNA:

I mean, it's amazing that you have not only have the depth but the breadth of experience, you know, at least on paper; no, I'm joking. Anyway, I think those in Suffolk County are going to be very well served.

I have a number of questions, as I'm sure other committee members do, and I'll take the prerogative to ask the first question. And that is there's a real concern of mine, and I know Legislator Bishop and I have had many conversations about this, with regard to Suffolk County Jail and that we have -- its been identified, I mean, we know that jails now are being used as de facto mental health facilities. And as the, you know, prospective Commissioner of Health, you know, any thought about that with regard to mental illness from a public health standpoint with regard to interacting with the jail, with regard to -- you know, I mean, it's much more cost prohibitive to put people in jail when they really need basic, you know, mental health services. So if you don't mind commenting a little on that, Doctor.

DR. HARPER:

Certainly. I couldn't agree with you more as far as the mental health needs of the inmate community, I think that is crucial. As you may notice on my resume, I have had the opportunity to work at Riker's Island.

CHAIRMAN TONNA:

I did.

DR. HARPER:

And again, from my experience, certainly mental health is a major issue. I would feel more comfortable really reviewing what services we currently have available and probably making some changes in that. I would probably be looking for support from this same committee in terms of any additional funding needed -- if we can't, perhaps rearrange our current staff in order to meet the needs. But I can just only say at this point that it certainly is a need and it's something that needs to be strengthened.

CHAIRMAN TONNA:

Great.

DR. HARPER:

I was impressed by the previous speaker who spoke about the mental health needs. Certainly I see these as opportunities for us to collaborate with the community, the Legislature as well as various community-based organizations to see if perhaps we can put something together that

could help that situation.

CHAIRMAN TONNA:

Great. Doctor, just a few more questions. I have had an opportunity, and this is the Health and Human Services Committee, but I have had an opportunity to tour some of our welfare motels, as other Legislators have. And it is something that would bring you to tears when you think about young children, preschool children, who are sometimes in a hotel room, it's supposed to be temporary, temporary now has been defined as over a year, okay. When little preschool children are sitting in front of a television 20, you know, I guess if you count sleep of eight hours so, what, 16 hours a day; some of these welfare motels say you can't even leave the room or else you can be sanctioned and kicked out.

I'm very concerned about the statistics that I hear with regard to higher incidences of mental illness, higher incidences of asthma, you know, of almost every single major risk factor that they have, their diets are terrible and everything else. I would just ask how would you see your position as Commissioner of Health, working with the Social Services Commissioner, to be able to at least some proactive preventive assessment of these very vulnerable children and their families, you know, do you see any possibility of doing something there?

DR. HARPER:

Absolutely. I'm a big believer in collaboration certainly, so working with the other departments, that certainly sounds like an issue that needs to be addressed.

One of the areas that I'm particularly interested in is increasing the amount or the number of health educators and outreach workers that we have for situations similar to this. Because I think that as was mentioned a little earlier, we do have wide array of services but my suspicion is that many people aren't aware of the service and don't have -- have limited access, whether it's as a result of transportation or what have you. And I think there's a need for the department to get more into the community and see sort of what's going on and put together plans and ways that we can address some of these problems. Often times we get caught up with the bureaucracy of the department itself such that we lose touch with what's going on in the community and our need to maybe change what we're currently doing to address some of those needs and that could potentially be an area.

CHAIRMAN TONNA:

Another question, and I'm going to put you in a little bit of a difficult situation in just asking the

question because I know you're the County Executive's nominee. There are Legislators here -- and again, I say Legislator Foley and I, I think, were the original sponsors, original sponsors of the smoking, anti-smoking laws in Suffolk County; maybe not the original, I think Legislator D'Andre years before, but clearly some of the laws that put a lot of teeth into non-smoking in restaurants and other areas; I know the County Executive was diametrically opposed to that. So I'm concerned about his nominee in any way watering down whether it be the enforcement of our smoking laws or anything else like that and I just would like from a clinical standpoint, from a position as a physician and the potential Commissioner of Health, I would want to know that the enforcement of those laws are, you know, high on your agenda.

DR. HARPER:

Well, certainly absolutely. And let me assure the committee that in my discussions with County Executive Levy, it was made clear that I will have the autonomy to run the department as I see fit. So I don't feel as if I'm being pressured to go one way or another in various instances such as the smoking.

Certainly from my perspective as a physician in the public health perspective is that you want to certainly minimize smoking to any extent possible and passive smoke has obviously been clearly demonstrated that it's a problem for the community. So every effort to maintain a smoke-free environment will be made from my perspective.

It's my understanding that the way it was presented is that there's an issue regarding waivers that I may need to take a closer look at and that the State has a certain policy and we may have a different policy.

I would like to take the time to really review that and perhaps come back to this committee with more specifics.

CHAIRMAN TONNA:

I would be, you know, having the opportunity -- I know, again, Legislator Foley used to sit on the Board of Health and I sit on the Board of Health now and the question of waivers have come up and I think we have the proper stand which is a very conservative, not giving people waivers for, you know, willy nilly to use; there was blah, blah blah, so we'll just go with willy nilly but feel pretty comfortable doing that. So the concern that I would like you to come back and articulate for us, you know, how you see that because it's a big concern.

Just from a clinical standpoint, you know, there are some that argue that the issue of secondhand smoke is a pseudoscience and I just, you know -- you're a -- and the deleterious effects of secondhand smoke, you know, are ridiculous. Now, it might have been the tobacco physicians that have articulated that, I'm sure they care more about their paycheck than truth, but I would ask that you talk a little about that.

DR. HARPER:

Yeah. My position is that passive smoking is a major concern and often --

CHAIRMAN TONNA:

Health concern or political concern?

DR. HARPER:

Well, health concern.

CHAIRMAN TONNA:

Yeah, okay.

DR. HARPER:

I'm looking at it from a health perspective, absolutely.

CHAIRMAN TONNA:

Yeah, good, okay.

DR. HARPER:

Absolutely, that is a major health concern. And often times what's needed, and when we look at situations like passive smoke, you need to have a long period of time to evaluate that type of effect, so that's why we need many prospective studies and things of that nature which have been done to some extent and that's why we have all of the various -- the strong laws regarding anti-smoking that have come out. So, I mean, in this instance I'm certainly following the public health lead that we need to do what we can to minimize that as much as possible.

LEG. MYSTAL:

Paul.

CHAIRMAN TONNA:

One more question and then -- oh, now I just forget it, I'll come back. Legislator Nowick has the floor, and I have a list, so after that we'll go.

LEG. NOWICK:

Good morning, Dr. Harper.

DR. HARPER:

Good morning.

LEG. NOWICK:

Thank you for coming here this morning.

DR. HARPER:

My pleasure.

LEG. NOWICK:

I know that you've made an attempt to visit with a few of us. It's committee week so many of us haven't been back in our district offices to get back to you and I'm looking forward to that opportunity, or actually we have an opportunity now.

I just wanted to reiterate Legislator Tonna's request. The smoking resolution that we passed as a Legislature, I believe it was last year, I also cosponsored, and for me I find that that is one of the most important pieces of legislation we have passed. I have been very much an advocate of that, I would very much like to have an insurance from you that you will support that and not waiver in any way. This is something that when we go out and when we speak to our young people, and I'm thinking more of our young people, I'm thinking more of saving just one or two teen-agers from smoking or any of us from breathing it in. This is very, very important to me and I would like at some point to have an assurance from you.

DR. HARPER:

Absolutely, I certainly will assure you of that. And as I mentioned a little earlier, upon evaluating this I can come back and we can have a discussion simply on smoking just to clarify my position. But I'm in opposition to anything that would diminish the strength of that legislation.

LEG. NOWICK:

That would be very important because as Legislators, this is one situation we don't care about politics, this is health.

DR. HARPER:

Certainly.

CHAIRMAN TONNA:

That huh-huh-huh; what was that?

LEG. MYSTAL:

We don't care about politics.

LEG. NOWICK:

In this situation.

CHAIRMAN TONNA:

Well, you might, you might. Okay.

LEG. MYSTAL:

Good morning, Dr. Harper, and a very long awaited welcome to Suffolk County.

DR. HARPER:

Thank you.

LEG. MYSTAL:

My concern is yes, I do have concern about smoking, but my concern is about our clinics. The clinics, I have two of them in my district --

CHAIRMAN TONNA:

Just take the mike away, a little further away.

LEG. MYSTAL:

Two of them in my district, MLK and Tri-Community. We are in the era of budget cuts, we are in the era of downsizing. Those two facilities are vital to the people in the 15th District and to Suffolk County because when we don't take care of them they wind up in the emergency room which costs us a lot more money. I don't know if you have met the directors of those two centers and I will make sure that somebody come and touch base with you and talk to you because this is very, very important. We've had some serious problems, some of them need expansion, some of them need more money, they need more doctors, they need more nurses, they need more everything. And I'm imploring you to use your position as the new Commissioner to make sure that when you become the Commissioner, which I'm sure you will, to assure that you talk with the directors of those two centers and make sure that what they need is there for them because it's a very -- they are vital to the people in those communities. Okay?

DR. HARPER:

If I can respond to that. Just so that you're aware, in my interview with County Executive Levy he questioned me as to what would be one of my priorities and that was one of the areas that I certainly mentioned was the issue of community health. I'm particularly interested and concerned about the issue of our health disparities whereby many people in the indigent population don't have access to care. And often times when we talk about funding and money that's available, it's really a matter of prioritizing what money that we do currently have to make sure that we have our access to care and that would be certainly one of the highest priorities that I do have. In fact, I was in discussion in my previous position where I was responsible for seven community health centers in Nassau County in discussion with the Director of the Amityville Community Health Center to make sure that we collaborated well and that all of the patients were being served because at that time patients were coming from Nassau County and going to Amityville and vica versa, we wanted to make sure that no one slipped through the cracks. So certainly that will be another one of my major priorities and I may be coming back to the Health Committee for your support in case there is a need for additional staffing or funding, what have you. I believe that, again, we can look at potentially Federal funding for many of these health centers to assist us with providing adequate services.

LEG. MYSTAL:

Thank you.

CHAIRMAN TONNA:

Thank you. Legislator Losquadro.

LEG. LOSQUADRO:

Thank you, Dr. Harper. I just want to touch on one subject that has been touched on a lot and then I'll move on to a couple of other issues.

First, I know, as was mentioned by the Chairman, about the County Executive stance on certain issues, and in one of his -- his first budget proposal that we had worked together, he had removed funding for the Tobacco Cessation Program --

CHAIRMAN TONNA:

Right.

LEG. LOSQUADRO:

-- and we had reinstated that in our budget program. And I know you have spoken about the need to, you know, work against this, I just want to have your assurance that you are supportive of these measures to keep our young people away from smoking.

DR. HARPER:

Right. I would like to take a look more closely, it's not clear to me exactly why that was considered to -- why it was defunded and I don't know --

LEG. LOSQUADRO:

It was a lot of money.

DR. HARPER:

It was just the total amount of money, that was the concern, okay. Well again, as I mentioned, it's a matter of prioritizing how you use funds more so than whether or not the money is available. But again, I would feel a little bit more comfortable taking a closer look at that before I give any firm commitment. Certainly I'm in favor of tobacco cessation.

LEG. LOSQUADRO:

I can assure you that this committee and the Legislature as a whole worked very hard to make sure that that got back into the budget, so you know this body is very supportive of it.

DR. HARPER:

Okay.

LEG. LINDSAY:

On to a couple of other issues. I see you spent a stint, pardon the expression, in Riker's Island.

DR. HARPER:

That's correct.

LEG. LOSQUADRO:

In the clinical capacity.

DR. HARPER:

Correct.

LEG. LOSQUADRO:

I'm sure, as you're aware, crime is at an all time low, in New York City and here on Long Island, and I would just urge a measure of caution. I know many people here have spoken about it, in reclassification of certain individuals, I'm sure, you know, if we move in a very progressive direction any number of people could be classified, you know, to any number of degrees, I just urge a measure of caution. Obviously the courts have been very successful in lowering the crime rates, people feel much safer at home and on the streets than they have in a very long time, New York City moved from a point -- I'm speaking from a little bit of family experience, my brother was a prosecutor in Manhattan for many years and I know people went from feeling a tremendous insecurity in New York City to feeling very safe, even walking through Times Square and other areas that were not safe at all. So I would just urge a measure of caution in the reclassification system used with our prison population.

And speaking of people doing illegal things, I also want to discuss the issue of fraud. Now, being a bit new to the process, maybe I can go through the Chair on this, I don't know what measure of influence the director would have over this about hiring or putting into place special investigative units to combat the problem of fraud in our DSS system in Medicaid.

CHAIRMAN TONNA:

That would be more under I think Social Services.

LEG. LOSQUADRO:

Oh, okay.

CHAIRMAN TONNA:

But I thought you were going to bring up PBA cards; you haven't been issued any, right?

DR. HARPER:

No.

CHAIRMAN TONNA:

Okay, I just want to make sure.

LEG. LOSQUADRO:

But this is an issue of great interest to me. My previous business experience was working almost a decade in the insurance industry and I have seen firsthand the impact that special investigative units can have on reducing the costs tremendously and paying people, you know, a fair salary to do these jobs, they return those salaries hundred-fold in the savings that they can put forward. And to my understanding, not in the current administration but through the years, many of these positions have been cut and not funded and the special investigative units are very understaffed right now and that is something I think for yourself you should be very supportive of because it would free up -- it would not only reduce costs for the County but would free up that much more money to put into proper services for your department.

Thank you.

CHAIRMAN TONNA:

Thank you very much. Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. And I welcome Dr. Harper to Suffolk County. Before I ask a series of questions, as we should because it's one of the most dynamic County departments we have and it's one of the finest Health Departments in the country and that didn't happen by happenstance, it was because of a many decades long effort by both administrations as well as this Legislature, particularly the Health Committee over the decades, to work together to improve public health care in our County.

But before, Mr. Chairman, I go on to make some points, you mentioned earlier you highlighted the issue of smoking cessation and tobacco control and I think we should state for the record and acknowledge the presence here today of your counterpart from the Nassau Legislature, the Chair of the Health Committee, but if you could just please stand so we can acknowledge his great efforts to protect and save lives in the bicounty region and that's Legislator Roger Corbin.

CHAIRMAN TONNA:

Yeah; hi, Roger. Pleasure having you here, you're always welcome.

LEG. FOLEY:

I know that you sometimes can have a light touch, too, in your committees, so you and Legislator Tonna can compare notes on how to bring a little levity to some very serious questions.

CHAIRMAN TONNA:

We're going to do a little stand-up together, we're going to go on the road.

LEG. FOLEY:

Very good. As I mentioned before, it really is one of the finest County Health Departments in the country and when you really get into the meat of the department and you look at all the various things that the department does, they have people, they have dedicated serveants, they have programs that are not only among the finest in counties but they rival what other states do in the area of public health care as well as in environmental quality as well.

There's a series of areas that I just wanted to touch upon today.

I know that we can't get into in-depth discussions on it, you will follow up with us once you get into the department, but certainly your background in the health center and patient care services is something that's very, very important to us as a committee. We have, as you mentioned earlier, growing health care disparity in this County and one of the things that has been of great concern to the public health care community is not to have a two-tier system of health care and that's why over these decades we have developed a health center network in order to give quality primary health care that would be the equal to what could be found in

private practice. And that's why I'm so happy to hear and see and read that that's one of your signature areas of public health care expertise, so that's going to help you in your years ahead.

You mentioned earlier about the Smoking Cessation Programs, and I think the record just needs to be corrected that the County Executive did not eliminate the Smoking Cessation Program. The Smoking Cessation Program is part of the budget this year, that was a proposal to amend the program, to amend rather the budget, and that particular amendment was discarded so it was never actually defunded. But there was for a brief period of time a proposal as part of an overall budget proposal because of the crushing State mandates to make some changes. Happily, we, on a bipartisan basis working with the County Executive, made sure that that particular -- the County Executive worked with us.

CHAIRMAN TONNA:

This is called spin.

LEG. FOLEY:

No, that's not spin.

CHAIRMAN TONNA:

This is spin.

LEG. FOLEY:

This is not spin.

CHAIRMAN TONNA:

This is good spin but it's spin.

LEG. FOLEY:

Legislator Tonna, the false impression was given that it was defunded, it wasn't, that was the proposal. So the fact of the matter is it is still with us and it's going to be important in the years ahead to make sure, as a person who made the amendment a year ago to start the Smoking Cessation Program, to give an additional \$100,000, I can say with authority that not only was it not defunded but it's going to be important for the Commissioner to continue with that program and I think it's one of the most important ones that we have.

Concomitant with the cessation program is another area that the department has worked very closely with our component school districts and that is the health care and smoking cessation or smoking tobacco, tobacco control curriculum that we have contracted with BOCES to develop that curriculum working with the 72 school districts. And I believe in shorter order that particular curriculum will be in place from K through 12. It's going to be very, very important that the Health Department stay on top of that particular facet of your department, because not only do we want to help people to stop smoking but we want to try to make sure that they don't start smoking and the way that we can do that is by working creatively with our school districts by developing the curriculum that will help their health care teachers as well as our health educators to get to the kids in the elementary schools, the middle schools and the high schools. So that's something that's also very important.

Also, I know you have read something about this, it's something that we brought back, to use a health care term, we resuscitated a very important commission last year and that's the Health Facilities Commission. The Health Facilities Commission is a commission that we are now utilizing to further cultivate and deepen the relationship that we have had with our community hospitals over these years, over these many years. A number of our community hospitals administer our health centers and so some of those partners in public health care have now come forward to the County, most recently the Southside Hospital, and has presented to the commission a very aggressive, if you will, and ambitious program for utilizing our services, utilizing our capacity for Capital monies in order to expand their services. But what's most important about that, and it's something that this committee has spoken about in the past, something that Legislator Alden who is from the area, myself as the former Chair of the committee but ongoing concern in others, is the need to reopen the Bay Shore Health Center. So part of the proposal that Southside has presented to the Health Facilities Commission is to, among other things, to place -- and it's a very interesting model -- to place the health center on the grounds of the hospital.

CHAIRMAN TONNA:

Yes.

LEG. FOLEY:

Not far from the emergency room so that inappropriate emergency room visits can be easily transferred to the health center. So it's a real interesting approach, something that Acting

Commissioner Mermelstein has been working on. I know that the Health Facilities Commission has held in abeyance its next meeting until you had been appointed, all the more reason why we need to appoint you this month so that you can get on top of that situation.

Just a few other points, if I may, Mr. Chairman. Another area that goes back over a hundred years in this County of giving service to the Public, something that was originally called the Suffolk County ALMS house, A-L-M-S, in Yaphank, and the ALMS house later became the Infirmary, an older building that was -- WPA building that was constructed in the late 30's that for over 50 years took care of those who had no other way of taking care of themselves, particularly given an institutional health care that they otherwise wouldn't have. The most recent iteration of the health care is the new Skilled Nursing Facility that was named after the former Chair of this committee, Legislator John J. Foley, and the John J. Foley Skilled Nursing Facility right now is undergoing a task force review pursuant to our direction when we approve the '04 budget; the recommendations of that particular task force will be submitted to us sometime in July.

One of the concerns that occurs over a period of years, and it's almost like a fever pitch, if you will, not to this task force but every so often you hear of the word privatization for a number of governmental responsibilities. And I think just tangentially we're seeing the negative effects of privatization over in Iraq, but that's another issue for another day. But just anticipating -- don't know this for a fact, Mr. Chairman, but just anticipating what some of the discussions may be, because this happened years ago, I can tell you that unequivocally that as one Legislator, notwithstanding who the facility is named after but more from the standpoint of delivering public health care, that if there's any efforts to make that particular facility privatized, it's something that many of us will vocally and strongly oppose. I think there are some private sector techniques that can be utilized at the Skilled Nursing Facility in order to improve its operations and also particularly in the area of marketing which hasn't happened. I think there are also management issues that you'll be looking at once you become Commissioner.

Just several more points, Mr. Chairman.

CHAIRMAN TONNA:

Several?

LEG. FOLEY:

Given the importance --

CHAIRMAN TONNA:

Any questions?

LEG. FOLEY:

Well, as --

CHAIRMAN TONNA:

You don't have to.

LEG. FOLEY:

As a committee member, as we do as members of this particular committee, we voice our concerns --

CHAIRMAN TONNA:

Absolutely.

LEG. FOLEY:

-- so that the Commissioner knows --

CHAIRMAN TONNA:

I agree, go right ahead. And plus, I think it's a good introduction to you, the personalities and how the committee works.

LEG. FOLEY:

Well, Dr. Harper and I have had discussions before today, okay?

LEG. SCHNEIDERMAN:

There's still time to reconsider.

LEG. FOLEY:

No, I don't think he wants to reconsider. Just several other areas, if I may, Mr. Chairman. You mentioned -- and it's very important in this time of diminishing local revenues -- that you're

going to -- and this is something that all the departments really should be doing and I think the County Executive is looking at it carefully, and that is maximizing the opportunities for Federal and State funding. Something that the Health Department, when Ollie Shepers who I know you knew quite well had done so well in the department of being able to access a whole host of Federal funding. And I think it should be noted for the record, Mr. Chairman, that it was Dr. Harper and Ollie Shepers who were among the very first to bring Ryan White monies to both Nassau and Suffolk Counties, and I think that is an exceptional record and I think it gives insight into a Commissioner who knows how to access those Federal dollars.

CHAIRMAN TONNA:

All right. Anything else, Legislator Foley? I'm sure you have one more thing.

LEG. FOLEY:

I'll end by reiterating a point that the Chairman had mentioned. You know, in your position as Commissioner you will be weighing and looking at and considering competing interests. And one of the areas that had troubled me greatly, after all the years that Legislator Tonna and I had worked on it, Legislator Corbin and I had worked on it particularly with the City of New York, with Westchester County, was to pass the Tobacco Smoking Cessation Programs or other tobacco control. It was -- and I think you would agree that in the area of public policy, the most difficult area to make change in public policy is any time you're dealing with tobacco interests. So after many years and we were able -- and one of the few examples where it was local County governments that were -- and the City of New York, where we were able to basically shame the State of New York into doing the right thing when it came to tobacco control. When after the fact we found out about these waivers that are being considered, we thought that that was the beginning of an attempt to dismantle something that so many of us had worked on for so many years.

So a bit of caution, if you will, and of concern is that there are those throughout the State that are still trying to use this waiver process as a back-end way to dismantle what we've done. And when you look at the waiver provisions that have been developed by this County, also that have been developed in Nassau County, I would hope that, as Legislator Nowick would say, that there would be no waivering in the approach that we have utilized so far. I think it's a fair approach, it allows people to submit applications for a waiver, but in order to do that they need to certify their financial statements over a number of years and they also need to make other signatures on the documents to ensure that what they are presenting to the Health Department is fully in

accordance with the law.

So I see as one person, as one Legislator, no need to see changes in that area, but I know it's something that you'll be reviewing and will be reporting back to this committee as well.

So Mr. Chairman, as you know me well, I could go on for another 20 minutes.

CHAIRMAN TONNA:

Oh, come on, only 20?

LEG. FOLEY:

Well, that's me on the briefer side, right?

CHAIRMAN TONNA:

Yes.

LEG. FOLEY:

But I'll leave it at that. And I just want to just say publicly that I'm just so thrilled that we have such a quality person who will be heading our Health Department. I know that Dr. Mermelstein has done a fine job in what I would call the interregnum and we're looking forward to your time here.

DR. HARPER:

Thanks.

LEG. FOLEY:

And I know that Legislator Corbin would say that it certainly is Nassau's loss, but it still will be Long Island's gain because you'll find that many of the things we do in Suffolk County we do together with Nassau County. Thank you.

CHAIRMAN TONNA:

And I tease Legislator Foley, but he's indispensable. Thank you. Legislator Montano?

LEG. MONTANO:

Good morning, Dr. Harper.

DR. HARPER:

Good morning.

LEG. MONTANO:

I'm going to be brief, I'm not going to ask any questions. I've looked at your background, your resume, as I told you on the telephone when we had our conversation, that you need not worry about my support, you have it fully. I'm just going to make a couple of comments.

I represent the 9th Legislative District which is sort of a new district that includes Brentwood/Central Islip; it actually I believe has the highest concentration of minorities of any district in Suffolk County. It also includes -- the Brentwood Family Health Center is located within my district and I had the pleasure of being housed in the Brentwood Family Health Center for four months, I just moved out on Monday, so I'm intimately aware of the physical conditions that are there at the Brentwood Family Health Center. And today I'm not going to ask questions but I am going to take the privilege and prerogative of requesting that you and I have a meeting once you're sworn in, once you get settled in your office. I believe firmly that Commissioners should have the authority to run their departments, they need to look at all the different divisions and, you know, you won't have an opportunity to do that, but there are some things that I would like to discuss with you and hopefully point you in some directions that I think would benefit the residents of my district.

But particularly, I just want to say you bring experience, education, background, diversity; you bring everything to this department that I was hoping to see and it's going to be a privilege, I think, and a pleasure working with you. When you have the opportunity, I would like you to look at the conditions particularly in the Brentwood Family Health Center, there are conditions of overcrowding in that facility. Myself, I was in a small office with four people because the activity is just so intense. The staffing levels need to be looked at. There were complaints by people that the office hours weren't sufficient to meet the demands, I mean, we would close the center at five o'clock and there would be people coming in. A large Hispanic population utilizes that facility, we need to look at whether or not we have sufficient bilingual personnel to deal with the community. We have young people coming into that center.

I'm not so clear as to the quality of care that's provided there but I believe it's at a high level,

but these are the kinds of issues that I think you and I need to talk about down the road once you get settled. So for today I just want to welcome you, I look forward to you being confirmed on Tuesday. And then, you know, once you get settled, I'm sure as a member of this committee we will be talking fully and hopefully we'll have a long relationship in that regard. Thank you very much.

DR. HARPER:

Thank you.

CHAIRMAN TONNA:

All right. Legislator Montano -- I mean, I'm sorry, Legislator Viloría-Fisher. Thank you, Legislator Montano.

LEG. VILORIA-FISHER:

Thank you very much, Mr. Chair. And welcome, Dr. Harper, it's wonderful to have you here. And I won't echo all of the sentiments that have been expressed, but I certainly share them and I'm very happy to see you here.

I do have just a couple of issues that are important to me and I'm sure that they are equally important to you based on the background that I've seen here. And your CV suggests that your concentration and your MPH was in public education and outreach?

DR. HARPER:

Well, it was general public health but that includes health education outreach as well.

LEG. VILORIA-FISHER:

Okay. Because there was recently, I believe it was a pilot program in health literacy that was piloted at the MLK Center in collaboration with literacy -- Literacy of Suffolk, Literacy Volunteers of Suffolk. And I hope to see that kind of outreach and public education continue, it's an invaluable program to help those people who are using our clinics and our facilities to become better educated and how to take care of their own health. As we all know, preventive medicine is the most important medicine, so I hope that you'll be on board with that.

Another area that has been an area of conflict in Suffolk County and I believe very complex because it's not -- when we talk about smoking cessation, we know the right side of the issue, we know clearly what's right and what's wrong, smoking being something that is harmful to us. But there's another area which is not quite as clear-cut and that is in dealing with West Nile Virus and dealing with the application of adulticides and other kinds of spraying and ditching our whole Vector Control Program.

And I'm sure having worked in Nassau County as a health professional, you've come across decisions that have had to be made there and, you know, we look at it as -- from the area of epidemiology in one area, you know, how to contain something that seems to be spreading throughout the country and growing in numbers of infected individuals. And on the other hand, the environmental impact of living on a sole source aquifer here and our protection of our environment. So if you want to comment on that, feel free, but I just wanted to pass it by you.

DR. HARPER:

Yeah, certainly that's an area of concern, and I guess this is nationwide. I guess to some extent I'm conservative from a public health perspective that often times that we really need to address the issue of Vector Control and mosquitoes in general. People tend to focus on the West Nile Virus which is really a lot less lethal than a lot of other viruses and organisms that are carried --

LEG. VILORIA-FISHER:

Equine Encephalitis and Encephalitis.

DR. HARPER:

Encephalitis being one. Malaria, people are not aware that Long Island at one point had an epidemic of Malaria as a result of the mosquito overgrowth, so I think it's important for us to look at that. But again, my perspective is always one from prevention and doing what we can to prevent an increased number of mosquitoes. So you mentioned adulticide but really you have larvicides as well, so there are things that we can do to keep that mosquito population down such that it never gets to the point where we have to do massive spraying. And I think that's really the focus that I would like to take from the Health Department's perspective.

When it comes to the issue of any sort of spraying in the community, again, I believe that it's a need for the community to be involved with some of these decisions and understand exactly

why this is taking place. I would like to do things in a collaborative fashion using information from the State Health Department as well as the Centers for Disease Control as well as this committee in terms of getting information out so that people can understand exactly why we're doing this. In fact, to keep mosquitoes down, it really is an individual homeowner's effort to do what they can to prevent having areas where these mosquitoes can grow. And again, it's sort of a health education outreach effort that needs to be put in place and if we can do some of those things there will be less of a need for this massive spraying.

LEG. VILORIA-FISHER:

Thank you. And I would like to echo the sentiments that have been expressed by Legislator Foley with regard to Legislator Corbin who is here today and how much we have worked together. We need to look at many of our issues regionally, Nassau and Suffolk County need to collaborate and have a dialogue with one another on many of these global issues. So having someone such as yourself with the credentials that you carry with you and the experience that you carry with you, crossing that bridge from Nassau to Suffolk is I believe a tremendously important and critical step in looking at issues regionally. So I thank you for being here.

DR. HARPER:

It's my pleasure. And let me also mention the fact that as you may be aware, I did train at SUNY Stony Brook and as part of --

LEG. VILORIA-FISHER:

My district.

DR. HARPER:

Exactly, right. And as part of the training program, I worked at the Suffolk County Health Department as a resident, so I worked very closely with the likes of Dr. David Harris who is really a mentor of mine, as well as Dr. Zaki who was there at the time and Dr. Marty Mayer in Public Health. So I am familiar to some extent with Suffolk County and I do hope to bring both counties together as far as public health is concerned. And I appreciate all of the support from Roger Corbin in the past and all of those people who have come today to support me.

CHAIRMAN TONNA:

Great. Legislator Schneiderman? We have a few more.

LEG. SCHNEIDERMAN:

You're not done but my list is much shorter as I'm crossing things out that other Legislators have been asking in listening to their comments as well as your answers to their questions.

My first question involves the clinic in my neck of the woods. My district is the 2nd Legislative District, it's the eastern most district in Suffolk County, it's the Hamptons. A lot of people think of the Hamptons as a wealthy area, affluent area, but if you actually look at the census track you'll find that the median income in my area is less than most of the rest of Suffolk County, and it tends to be an underserved population as people think it doesn't need some of these services. And we were successful a couple of years ago back when I was Supervisor working with the County, we did build a building, set up a building for a County health clinic and the County agreed to staff that clinic. And we had several fights over the years to maintain the level of service and actually get up to the services that we were originally promised, we are just getting there and I just want to make sure that the commitment is there to the entire County to make sure that the staffing, the funding, the hours are there to meet the needs of that population. You don't really have to comment, I just wanted to put that on the record, but if you want to say something on that end, you may.

DR. HARPER:

Okay. Well, certainly, just from my perspective, I'm always concerned when we have affluent, quote/unquote, affluent areas because often times when you look at the health indicis you find that you do have areas where there are health needs and often times it gets looked over upon because of this sense of affluence. In fact, myself and Olly Shepers had to make that argument with the Nassau/Suffolk region in terms of receiving Federal funds because it was perceived that Long Island had a lot of money and didn't need this additional funding. So I am certainly sensitive to that area.

LEG. SCHNEIDERMAN:

The east end has one of the fastest growing immigrant populations as well. The need for, you know, more Spanish-speaking Clerks and physicians, medical attendants is very important.

Let me move on to my second point. This is a huge department, the Health Department. You've heard from some of the questioning some of the many different functions that I know you're aware of, but one of them is groundwater protection and the County has an excellent testing laboratory for groundwater that has done quite a number of reports on water quality through

the years. And one of the things that we're seeing is one of the largest contaminants, in fact the largest contaminant of groundwater has been pesticides, mostly agricultural pesticides. And this is particularly the problem on the east end where a lot of people have private wells rather than being on public wells. My concern -- and I had been fighting this battle with the State for years trying to get some increased regulation on pesticide use, particularly residential pesticide use. I see these chemicals as toxic by nature and they are being used extensively throughout the County and in a County where we've had several cancer clusters, we've had -- we have a high incidence of breast cancer. The State, and probably due to the power of the agri-chemical lobby, has been very slow to react. Though we have seen a pesticide notification bill which took an important step, but I'd like to see the County in front on this issue in taking proactive measures to protect the public health regarding pesticides and I just want to know that you'll work with me and this Legislature as I hope we move forward on protecting the public health by reducing the use of pesticides in Suffolk County.

DR. HARPER:

Well, certainly my position is that if the data is there, as you've suggested, that indicates that the groundwater is being contaminated by these pesticides, then it becomes my role to sort of advocate on behalf of making sure that that doesn't occur. I have no problem with --

LEG. SCHNEIDERMAN:

Some of the chemicals that actually are showing up are chemicals that are already banned.

DR. HARPER:

Right.

LEG. SCHNEIDERMAN:

Twenty years ago they were in use mostly for agricultural application. So --

LEG. VILORIA-FISHER:

Could you just yield for a second? I have information about what you just said.

LEG. SCHNEIDERMAN:

Okay.

LEG. VILORIA-FISHER:

Just very quickly? I just ask the Legislator to yield for one second.

CHAIRMAN TONNA:

Sure.

LEG. VILORIA-FISHER:

I just read the recent Rausch Report on Indicators for Long Island and if you refer to that particular report, they do indicate that the residential commercial pesticide use is adding a disproportionate level of pesticides and fertilizers into our groundwater system.

CHAIRMAN TONNA:

Okay. Legislator Schneiderman, you still have the floor.

LEG. VILORIA-FISHER:

That's the Rausch Report.

LEG. SCHNEIDERMAN:

Okay. My third point -- again, another function of the Health Department -- is regulating sanitary systems. And both Legislator Fisher and I both serve on the County Executive's Work Force Housing Commission and one of the things that has come up repeatedly is Article 6 Regulation of the Suffolk County Sanitary Code and how they effect certain potentially affordable housing projects. The Legislator just mentioned something about the Rausch Index where I'm sure you read about the Rausch Study that showed about five times the national average young people are leaving Suffolk County who can't afford to live here. Affordable housing is becoming an extremely critical issue, some areas do have the bulk of the work force priced out of the housing market. And I certainly don't want to -- I don't want to compromise our groundwater standards and at the same time I don't want the Health Department to be one of the biggest obstacles to creating housing, particularly housing, apartments over stores, apartments in general that might -- you know, in the right place within downtown centers.

So I guess what I'm looking for here, and I know I've been having conversations with Vito Minei on this, we're looking for some kind of acknowledgement of that problem and some kind of

flexibility, exactly, flexibility for maybe municipally sponsored affordable housing projects so that these things can move forward without compromising groundwater standards. And I know you and I are scheduled to have a meeting later today, I hope we can still have that meeting --

DR. HARPER:

Absolutely.

LEG. SCHNEIDERMAN:

-- so I can maybe ask you some more questions. Okay? Thank you.

DR. HARPER:

Thank you.

CHAIRMAN TONNA:

I have just a few, believe it or not, questions and then I will finish, I'm sorry. Brookhaven National Lab, as you know, there's significant toxic pollution, they're cleaning up the Peconic, what, river, estuary or whatever else on the property and they're moving on. They have now I know a \$5 million clean-up project going on. The thing that concerns me, and I'm surprised that it has not become public knowledge, is that the way that Brookhaven National Lab has done this, the contracting, is that they formed a -- there's a Federal law that basically states -- I'm just trying to get it right -- that a contractor has the right, if they didn't win an RFP or whatever else, to question the Federal government and actually sue the Federal government on the procedures that they use in giving contracts out; it's called the Tucker Law.

The problem that I found is that Brookhaven National Lab, two years after the law was created in the Federal government, decided to set up -- the Department of Energy set up a corporation called the BSA, Brookhaven Science Associates, which is not subject to that law. And now Brookhaven National Lab gives all of the clean-up projects to BSA; you can't FOIL them, you can't sue them, they don't fall under the rubric of Federal Court.

I found out -- I have had -- my office has been called about some improprieties on how they've contracted an out-of-state group to come in and clean up the lab work. The problem is is that part of that RFP process is how do you clean something up? Okay. Now, I'm not an expert in public health, but obviously if you're cleaning up toxic waste and, you know, procedure A, when

procedure B is a much better procedure and we can't FOIL the procedure, we can't ask, we can't get any public access, the only place I think that has any opportunity to make those requests and to find out about that is through the Health Department. Because I think in a certain sense you have to certify some of the stuff that goes on out there.

DR. HARPER:

Yes, that's my understanding as well.

CHAIRMAN TONNA:

Right. What I would ask for the residents of the Brookhaven National Lab, you know, in the area of the Brookhaven National Lab, I would like some real scrutiny taking place with how they're doing their environmental clean-up.

My concern is when you have an out-of-state company who basically is at the -- works for the contractor, you know, for Brookhaven National Lab and is not subject to any Freedom Of Information requests or anything else like that, you know what, maybe the cheaper guy got in, maybe it's a politically connected guy, we hear that happens in roadwork with Federal government, the State government and everything else. So I'm very, very concerned from your standpoint, and only the Health Department would be able to determine that, you know, I think it goes beyond the competency of this Legislature, although we think we're competent in a lot of things.

The fact is is that I would ask that you scrutinize Brookhaven National Lab; this is a real concern of those who are in the area. But I was just made aware of this and I think this is something serious because, you know, it doesn't stand the test to any public scrutiny.

The second thing is -- and nobody has asked the question and I think it needs to be asked. You're our first African-American Commissioner, designee or whatever else; what does that mean to you. And then I'll lead it into the second question which is, you know, I used to be the head of human services for a hospital years ago and whenever interviewing people I always asked the question of vision. And so I don't feel comfortable in voting for a Commissioner who can't articulate their vision and I would hope that you could tie those two things so that we can hear what does it mean to be an African-American in Suffolk County who, you know, is going to

be the Commissioner, first African-American Commissioner, and what is your vision for the Health Department.

DR. HARPER:

Certainly. First of all, I certainly would like to thank you for asking the question, number one. Let me give you a little background, I guess, to some extent, a little history of exactly who I am. I guess if you go back to my grandfather, he was very interested in becoming a physician; at the time, obviously the circumstances didn't allow him to actually become a physician because of I guess the social and political timing, timing wasn't correct. My father then also wanted to become a physician and found himself in the exact same situation. Interestingly enough, as the good Lord would have it, in my generation there ended up being two physicians, both myself and my brother, and this was really as a result, to a large extent, of the Civil Rights Movement.

I thought it was very interesting that, in fact, when County Executive Steve Levy made his public appointment at the press conference, it was during the same week that we were commemorating the death of Martin Luther King which was on April the 4th. So I think that as a result of opportunities that have been made available, I've come to this point where I was allowed to go to attend many of these prestigious schools and I think that it's important that in my position that I make sure that, again, others have the opportunity and I encourage people to do this. This couldn't occur without the likes of the Legislature such as yourself or the vision of Steve Levy, the support of all of those behind me and I take that very seriously. Certainly I'm looking forward to making sure that I do what's appropriate for the indigent community.

As far as my vision of the Health Department is concerned, as was mentioned, I trained under Dr. David Harris, and during that time certainly the Suffolk County Health Department was one of the premiere Health Departments throughout the nation. And my vision is really to restore it to that level, if it's not at that level now, via really cutting edge public health activities. It's really a matter of evaluating the current trends in public health and instituting those programs which have been demonstrated to work nationwide. And that's really what my focus will be on, to address all of the various issues that we mentioned but to use what data is currently available to support that and make sure that we go forth. I believe very strongly in public health, I didn't get here by chance, after going through a variety of different areas it became clear to me that community medicine was really my focus. And in terms of what I would like to do here, certainly strengthening the community health centers as well as many of these environmental

concerns, I think that will be my focus over the next six years in addressing those two areas.

CHAIRMAN TONNA:

Thank you. I know there's additional questions, I just want to address one last thing and I'm sorry. We've had a history -- and again, I turn to Legislator Foley who spent so many years, you know, with concerns of health and we remember eleven years ago now, gosh. Every Commissioner of Health, even though they were appointed by a County Executive, from time to time were very clear when they disagreed with the County Executive and they were supported by this Legislature, and that in a certain sense -- and, you know, I want to commend County Executive Levy for suggesting your candidacy as Commissioner, but I want you to know that it really is -- and Legislator Foley, I would hope you would agree with me, that there are going to be times when your concerns as the professional in the department is going to overrule whatever, you know, budgetary considerations that there might be which is a concern of a County Executive, whatever political concerns there might be and, you know, and I'd hope that both the Legislature and County Executive Levy keep that at a minimum. But we're going to look to you for straight answers and for answers that you make based on not just your head but your heart and your experience and you'll find that the Legislature will be really good, supportive partners. And there might be times when you're going to have to go it alone, you know, and we'll support that, all right?

DR. HARPER:

I certainly appreciate that. And I think you'll find over time that you will get only straight answers from me.

CHAIRMAN TONNA:

Great. Thank you, sir. Legislator Nowick.

LEG. NOWICK:

Dr. Harper, thank you for your patience, your answers have been very valuable and this is an opportunity for me to get to know you. Just two more things and I'll let you go.

One thing I'm going to ask you to do if you should be approved by this Legislature is the Health Department approves applications for restaurants, for businesses, I have found with my

constituents along the way that that is a very cumbersome ordeal and many of my constituents are absolutely at their wits end with the amount of time it takes. And I know we're short-handed all the time, but just if you could pay some special attention to that because in this day and age -- I'm Chairwoman of Economic Development -- this is an important thing. Small businesses are very important and it's very important for our districts. So that might be something that really needs the process, although I know you have to do it thoroughly, there's a lot, a lot of paperwork, these people are just lost. I have been through it with two of my constituents and it's incredible, and that would be one thing.

I just wanted to ask you one question that I just need to say, and you seem totally qualified and this has nothing to do with your qualifications, but you live in Westbury?

DR. HARPER:

That's correct.

LEG. NOWICK:

How is it that you are being considered for a Suffolk County Health Commissioner; were there no applicants from Suffolk County? And this is not about your qualifications, I'm just curious; are you moving to Suffolk County?

DR. HARPER:

Yes.

CHAIRMAN TONNA:

By law you have to, I mean, this is really -- by law, I think you have a year.

DR. HARPER:

That's what I was told, I can apply for a waiver for up to a year.

LEG. NOWICK:

Are you moving your family to Suffolk County.

DR. HARPER:

Yes, exactly, we will be all moving to Suffolk County.

LEG. NOWICK:

Okay, that's a question I had to ask, I'm sorry.

DR. HARPER:

That's fine.

CHAIRMAN TONNA:

That's okay. Well, I think everybody got to ask questions or mention some priorities and stuff. I'm going to make a motion to approve.

LEG. MYSTAL:

Second.

CHAIRMAN TONNA:

There was a motion and a second. On the motion, I have only one other thing to say, and I want to take a special moment just to thank Dr. Mermelstein. Dr. Mermelstein, as Acting Commissioner --

Applause

To tell you quite honestly, it's been an absolute pleasure to have made your acquaintance, to work with you for this period of time, and I don't think there could have been any better public service than in the period of transition. You have served this County and the department with the respect of both the Legislature, the peers in the department, the employees and stuff. And I just want to thank you so very much for being such a great example of public service, professionalism of, you know, so many other big words that I can't even think of. All right? I just want to thank you so very, very much, Doctor. Thank you.

Applause

Okay. There's a motion to approve and a second. All in favor? Opposed?

LEG. FOLEY:

Cosponsor.

LEG. MONTANO:

Cosponsor.

LEG. VILORIA-FISHER:

Cosponsor.

CHAIRMAN TONNA:

Okay, thank you. I'd put it on the consent calendar but I guess not; I'm joking, I'm joking. Anyway, thank you very much. Doctor, thank you very much and we look forward to working with you.

DR. HARPER:

Thank you.

CHAIRMAN TONNA:

I would just say, given the fact that as a perspective Commissioner, I would come back Tuesday to the full Legislature. You know, hopefully it will be a little more organized than the committee, but no, there will be questions, there will be questions. All right? Thank you very much, Sir.

DR. HARPER:

Okay, thank you.

CHAIRMAN TONNA:

Thank you. And best of luck. Roger, you would like to say something?

LEG. FOLEY:

Mr. Chairman, yeah.

CHAIRMAN TONNA:

Sure. I think this is called the Chairman's prerogative, right?

LEG. ROGER CORBIN:

It's always good to be out here in Suffolk County. I'm not moving out here yet; notice I said yet. You sort of like stole a diamond in the rough. I told Tom Suozzi he was slow on the draw. We were seriously thinking about Dr. Harper in the same light; not that Dr. Ackerman was leaving any time soon but we were going to give him a push.

You know, you asked -- Mr. Chairman, you asked the question about what does it mean to be an African-American first; it means a lot. The way I look at it, when you look at Legislator Montano and Fisher, two Hispanics, it means something to that community. When you look at my good friend, my brother there, Elie, it means something to the black community. And I thank my sister so much, I miss my good sister, but it means something because the kids that live in Amityville, the kids that live in Central Islip, Coram, it means something.

In Nassau County we've had individuals that made certain moves in Nassau County to get us where we are today. We have only had three minority Commissioners in Nassau County, believe it or not, two happen to be African-American, one Hispanic. The Hispanic, Irene [Lapadiaz] and the African-American, she was the head of the Department of Social Service, and Jacklyn Morgan was the head of our Drug and Alcohol, we had a supervisor who had vision, he happens - again, you're stealing our talent -- and that was Ben Zwirn sitting right there who was our Supervisor who was responsible for putting them in those positions; it meant something to us. Sanita Walker who was the Commissioner, Republican Commissioner of the Board of Elections in Nassau County; it does mean something. As I talk to our kids all over this nation, education is your liberation, and to see a Bryan Harper a head of your Department of Health, it's going to really have a good effect on so many, not only the minority community but the majority community as well.

CHAIRMAN TONNA:

Absolutely.

LEG. ROGER CORBIN:

We're getting there grudgingly in terms of this nation; it's a shame that we still are divided. And I have always said this, we wear an unfortunate label on us, we're the most segregated place in the nation. And when you think about that, you say Alabama, Mississippi, Arkansas, Kentucky, yes, we are, and that's the way it was. I mean, Elie mentioned Robert Moses, we could mention Levittown, we know those things happen. But now it's time for us to make things better, this is a good step. And it plays out in education, it plays out in the political process, it

plays out in health care or lack thereof.

I was fortunate, we were fortunate to change our government. I was elected a representative some ten years ago and it doesn't seem that long because we have been doing so many different things in Nassau County. I feel I've made a difference. And as Brian said, we worked together on the smoking, I am very adamant about the smoking, I'm a little bit more up-front when it comes down to our bar and restaurant owners because I don't want to hear it. Maybe I'm being biased but I say economics plays out in health care, Medicaid, you know, we have to absorb that 25% cost here in our respective counties and they didn't want to hear that. But my objective was to deal with the health and welfare of people, that's over anything in terms of politics and economics, it's the health and welfare of people.

The other thing that we were able to do, I sponsored a bill, and I'm hoping that this Legislature does the same thing, of the charity health care bill and that charity health care bill means that anybody can go to any private or public hospital within the County, we have that as law in Nassau County. It doesn't cost anybody anything, it just tells our hospital who -- the hospitals who have a tax exempt status that you must give back, you can't just be, for lack of a better definition, the blood suckers of our community and don't give back. And happily it's law in Nassau County, North Shore LIJ is really taking the lead on this and that's what makes the difference when you put people in certain positions.

So I am so happy that County Executive Levy saw fit to recommend to this Legislative body Brian Harper. And yes, he does live in Westbury, he's a neighbor of mine, we hate to lose him, you know, but I'm so happy for him and his family. You have a gem, a gem and a diamond and I think he's -- I know he's going to serve you so well and I thank you so much for considering him and appointing him to this position. And I thank all of you guys for your wittiness; I'm going to take some of this stuff back to Nassau County.

CHAIRMAN TONNA:

There you go.

LEG. ROGER CORBIN:

I like how you do business. We're a little somewhat contentious, we have Peter Schmidt, you have -- I don't know who --

CHAIRMAN TONNA:

Nobody has Peter Schmidt here, trust me. I mean, I'd make a trade, you could have Allan Binder any moment you want; as a matter of fact, we'll throw in some money, too.

LEG. ROGER CORBIN:

But, you know, I think what was suggested by Legislator Fisher and Foley, we need to come together and do more things together because I think as a region -- and I was listening to your transportation issue, we need to address that as a region because people are not getting out of their cars, it doesn't make any difference. We need to look at that issue as a region and look at the health care, mental health care and various other things. So I'm looking forward to working with you guys and, again, thank you so much.

CHAIRMAN TONNA:

Thank you, sir. It's great to see you here.

All right, we're going to go to the agenda. All right? Thank you. Thank you, everyone. All right, before we go to the agenda, I know that the Commissioner of Social Services is not here, she's away on -- somewhere or business. Who is the official spokesmans for -- there you go. You are? Ed, you got a job in the Health Department?

LEG. VILORIA-FISHER:

Congratulations.

DEPUTY COMMISSIONER HERNANDEZ:

You missed the last meeting.

CHAIRMAN TONNA:

Okay. Ed, I just ask you this; you ready? I need to talk to the Commissioner of Social Services, we want to talk about homelessness and we want to talk about welfare motels. So just communicate to her very clearly that she can run but she can't hide, or she can hide but she can't run; whatever way it is, we need to talk to her about it, okay?

DEPUTY COMMISSIONER HERNANDEZ:

The Commissioner is very interested, she's not hiding at all on the issue.

CHAIRMAN TONNA:

Yeah, yeah, that's great, Ed; I can see you're a seasoned pro. All right, thank you. Let's go to the agenda. There's a motion -- table subject to call 1337 --

LEG. FOLEY:

Mr. Chairman?

CHAIRMAN TONNA:

Yes.

LEG. FOLEY:

Mr. Chairman, before we get to the resolutions, you may want to have the Deputy Commissioner come back. I had requested -- and every member of the committee has a copy of it and I know you do, Mr. Chairman, concerning the number of employees in the Feds and what's called the Back End Investigations Unit of Medicaid Fraud, okay? And I had asked the department to be prepared to speak on it today. All of us had received an e-mail from an excellent worker within the department and what I want -- through the Chair, you ready?

CHAIRMAN TONNA:

Yeah.

LEG. FOLEY:

Okay, fine. Commissioner Hernandez, if you can just have the others who are with you state their names for the record before we have some questions.

ASST. COMMISSIONER BARNES:

Traci Barnes, Assistant Commissioner.

MR. MEYER:

Jeffrey Meyer, Chief Investigator.

LEG. FOLEY:

Okay. The basic point when we had reviewed this, made by this one individual is that -- as a helpful point, it's not pointing fingers -- it mentions the fact that at one time there were over --

this is at the bottom of the -- "20 Investigators were in the Back-End Investigations Unit and that these Investigators had recovered fraud in the amounts of millions of dollars," as he states, "and during these times the unit did not perform Feds investigation."

Here's the meat of the issue. And again, this is something that developed over many years, we know that this didn't happen in the first three to four months of the Levy Administration, I'll say that to begin with. But here's the keypoint and I'd like to have some of you speak on this, that there are now only two Investigators within the Back-End Investigations Unit who are expected to investigate all the fraud allegations in Suffolk County. It goes on to say that currently the unit is backlogged by over 1,000 unassigned cases -- and again, most of this predates the Levy Administration -- many of which are several years old. So can we have clarity on this and where we expect to go with this?

DEPUTY COMMISSIONER HERNANDEZ:

Okay. First let me read a little statement that we prepared regarding the subject. I want to thank you for the opportunity to discuss this situation --

LEG. FOLEY:

If you can speak closely into the mike, please.

DEPUTY COMMISSIONER HERNANDEZ:

I would like to thank you for the opportunity to discuss this situation with the Legislature. First I would like to apologize for the Commissioner's absence, she is returning from a Statewide Conference of Commissioners of Social Services along with the State OTDA. There were several pressing issues on the table that involve hundreds of millions of dollars to the various counties.

I would like to start by providing you with a brief overview of the staffing level from the Department of Social Services. The number of filled positions through the department has steadily decreased. We presently have a staff level of 1,465 with 57 positions vacant; this number reflects the abolishment of 18 positions in the recent deficit reduction resolution of which an Investigator position was included. While our current staffing level reflects a higher fill rate, it is less than sufficient to meet our mission. Our positions were underfunded in the 2004 adopted budget as a result of the cuts in the 110 Accounts made in the Omnibus Resolution. When the Omnibus Resolution abolished 57 positions in the department, it reduced the 110 Accounts by \$1.9 million. These positions, however, were only funded in the budget for \$1.4

million, that initially left us with a \$500,000 shortfall on the 110 Account.

This was further reduced by Resolution 271 that deducted an additional \$139,057. We agree with this letter, the Special Investigations Unit has been reduced over time and we would like to restore the unit's ability to investigate fraud committed against the County. We brought Jeff Meyer, Chief Investigator who runs the day-to-day operations of the Special Investigations unit to respond to any questions you may have.

LEG. FOLEY:

If I may, Madam Chair?

LEG. VILORIA-FISHER:

Are you Vice-Chair?

VICE-CHAIR NOWICK:

Yes.

LEG. FOLEY:

If I may, Madam Chair, before we hear from Mr. Meyer. And you heard the basic point, it's down to two Investigators. Let me just state for the record, I know you're reading a prepared statement but it should be clear for the record that a number of -- and this, again, predates your time, Mr. Hernandez -- but a number of those positions that were eliminated in the '04 budget -- and BRO will back this up and we did so in a bipartisan fashion because those were chronically vacant positions that the prior administration had left chronically vacant for a number of years and that's the reason why most of those positions we had eliminated. If there was a track record of immediate filling of those positions over a 12 year period, those positions would have stayed in the budget. But what was a decision made by this Legislature was that most, if not all those positions, were chronically vacant, and with that in mind the changes were made; again, it predates your time in the department. But if we could hear from Mr. Meyer or Mr. Mayer, how do you pronounce it?

MR. MEYER:

Meyer.

LEG. FOLEY:

If you can speak closely into the mike. Is it true that there's only two Investigators?

MR. MEYER:

No.

LEG. FOLEY:

If you could just tell us about that.

MR. MEYER:

Okay. Actually --

LEG. FOLEY:

We're trying to be helpful, we're not pointing the finger at anyone.

MR. MEYER:

I understand that, I appreciate that. Since the year 2000 our staffing level of Field Investigators has actually decreased from 15 to 10; presently it's broken down as one Chief Investigator, one Senior Investigator and 10 Investigator II's. Of the 10 Investigators, five are assigned to conduct fraud investigations and match cases that we get, and the other five are in the Feds Unit. That's the way it's broken down now.

LEG. FOLEY:

Is it true that there's a thousand cases and it goes back years? One of the issues and I know it's something that the County Executive is dealing with and the new administration is putting in place, is that in the past this County, the administration had received an F on and that is managing for results. So if, in fact, we have cases that are years old, does that send up a red flag internally within the department as to how we can address these, I almost would call, aging cases?

MR. MEYER:

I'll explain about the allegations that we receive first. There are a number of sources that we get allegations from, we get anonymous calls from --

LEG. FOLEY:

I'm sorry, you're going to have to speak up because we can't hear you that well. Go ahead.

MR. MEYER:

We get anonymous calls from the public, we get referrals from within our department and from other officials like the Legislature, the District Attorney, the Sheriff's Office. For the year 2002 to 2003 we received an average of 2,000 allegations a year, for that time period we were able to assigned 1,100 allegations per year. The average number of cases that we close for a year is 960. At present, the backlog that we have since January, 2002, is 1,160 cases. Each of my Investigators in the Back-End of Fraud Investigations carries a caseload of 90 cases.

LEG. FOLEY:

What is the State ratio recommended; is there a recommended caseload?

ASSISTANT COMMISSIONER BARNES:

The standard --

LEG. VILORIA-FISHER:

What's the backlog?

MR. MEYER:

The backlog, the current backlog is 1,160.

LEG. FOLEY:

It's not 90 per Investigator.

MR. MEYER:

No, 90 cases assigned, that's what they work on on an ongoing basis.

We operate under Title 18 of the Department of Social Services Regulations and we're mandated to have the unit.

LEG. FOLEY:

Yes.

MR. MEYER:

We do review all the allegations that come in, we screen them, we try to prioritize them and then we assign them as we can to be investigated. With the current staffing level right now, it's

almost like a negative progression because we get more than we can possibly assign.

LEG. FOLEY:

All right. If I just may continue, Mr. Chairman -- Madam Chair, excuse me. As I said, this has developed over a period of years. You are the unit supervisor; what's your title?

MR. MEYER:

Chief Investigator.

LEG. FOLEY:

Chief Investigator, so you not only are the investigator but you're also the administrator for this particular unit, right?

MR. MEYER:

I oversee the whole department.

LEG. FOLEY:

Understood. With that in mind, has any attempts been made over the prior years as to how you can reduce this backlog and what it would mean for X number of additional positions to decrease the backlog; is it highly unusual for a department, does it get into a little bit of a comparative analysis? Other counties of similar size, do they have the same -- not that it's the right or wrong way, but do they have the same kind of backlog; what does it mean to have a thousand cases? And also the fact of, as you said, you made a distinction between allegations and cases and not all allegations become cases because reading what you're saying, the allegations don't pan out so to speak. So have you done this internally, when you have these kind of backlogs, have you proposed or presented to the hierarchy within the department over the years now how to improve that situation?

ASST. COMMISSIONER BARNES:

If I may?

LEG. FOLEY:

Sure.

ASST. COMMISSIONER BARNES:

In the special investigations unit, as Jeff had communicated, they're responsible for front end detection as well as back end detention.

LEG. FOLEY:

Right.

ASST. COMMISSIONER BARNES:

Unfortunately with limited resources you have to kind of reallocate them as needed or is best going to serve the department as well as the County. Front end detection is obviously more cost effective, so we have redeployed our resources to the front end to eliminate benefits to people that are ineligible.

LEG. FOLEY:

Okay. What about the contention, though, that millions have been saved over the years through the back end; is that true?

ASST. COMMISSIONER BARNES:

Yes, that is true, but then we have to take a step back and look at the department as a whole. Recently we got four CPS workers, you know, Investigators. You know, we have to balance, we have mandated responsibilities across the board.

LEG. FOLEY:

Oh, I understand that. And one of the problems that we have had over the years is continuing State mandates and they don't give us the monies; in fact, they cut down on the -- what's the reimbursement rate for these positions?

DEPUTY COMMISSIONER HERNANDEZ:

There's an 80% reimbursement rate, but because we're over our administrative cap the actual reimbursement rate is 65% for these positions.

LEG. FOLEY:

Why are we over the administrative cap; how do they determine that, how does the State determine we're over the administrative cap?

DEPUTY COMMISSIONER HERNANDEZ:

There's a formula that comes down from the State, I, mean --

LEG. FOLEY:

Okay, so 65%. So what's the yearly -- since I know you're prepared for this, what salary are we looking at for this position and what would it mean to -- if you had four more positions, you would cut the backlog by how much? And the money that you save, in essence, could be plowed back into funding these positions.

ASST. COMMISSIONER BARNES:

Absolutely.

DEPUTY COMMISSIONER HERNANDEZ:

Let me run some numbers by you.

LEG. FOLEY:

Sure.

DEPUTY COMMISSIONER HERNANDEZ:

A Back-End Investigator has an average cost savings of about 145,000 per investigator.

LEG. FOLEY:

Okay.

DEPUTY COMMISSIONER HERNANDEZ:

Looking at the front end, because the reimbursement rate varies from 25 to 50%, on the front end there's an estimated \$2.8 million in savings. So even at 25 or 50% --

LEG. FOLEY:

Well, that's why you reallocate it to the Feds, I understand that.

DEPUTY COMMISSIONER HERNANDEZ:

Yeah. So just say an average of about a million dollars in savings for the five investigators comes out to about 200,000 per investigator that be we're saving on the front end. Taking the starting salary of about \$34,000 for an investigator and doing the math, 35,000 is about

\$11,900 in actual County cost for each investigator. So, you know, in terms of -- you know, you can do the numbers for the ratio but there's at least a ten to one dollar savings to the County.

LEG. FOLEY:

Okay. Thank you, Madam Chair. Thank you, Mr. Meyer, you do fine work.

LEG. VILORIA-FISHER:

Am I on the list?

LEG. FOLEY:

We're going to cut down that backlog, though, we'll find a way.

CHAIRMAN TONNA:

Losquadro, Fisher, that's how the list goes.

LEG. LOSQUADRO:

Thank you. Obviously Legislator Foley reiterated some of the points I brought up before in the screening process. As I mentioned before, I worked for an insurance company, that was State Farm Insurance, for almost a decade prior to coming here. And I know for ourselves, we had for the metro New York area, we had 40 SIU reps just working the Ring Unit. I mean, we were dealing with everything from dock-in-the-box, medical mills; I mean, I'm sure you're familiar with some of these terms. Some of these people --

LEG. VILORIA-FISHER:

What's the Ring Unit, can you explain; like fraudulent rings of people?

LEG. LOSQUADRO:

Ring Units just deal with organized -- basically organized crime, but in a medical sense these people form rings where they are very well organized. There are terminologies that go along with this, I don't really have time to bore anyone, such as dock-in-the-box and medical mills, but this is a very serious problem, it's a problem that is inherent in the system. And like I said, I know from experience working in the insurance industry that you almost can't throw enough manpower at it. At 40 people working just in the metro New York area for one insurance company, they still had to be choosy as to what cases they picked up, because unfortunately

people look at this as free money. They have a handbook on fraud and one of the things is government and insurance companies, this is free money and how do we get this money? We really have to do everything we can. And I know as a Legislature we will be -- I know I will personally be supportive of giving you whatever resources you need because I have seen first hand that -- and as you were saying, I wasn't even aware of the reimbursement portion of it. I would be supportive of fully funding it ourselves but we get an actual 65% reimbursement rate on this, this is a can't lose situation; the more we put at this the more we will get back. So I am a hundred percent supportive of this and please come to me and any of my colleagues with whatever request you may have because, as I said, I've seen first hand the results that you can get with these sort of investigations. And when you said you had 2,000 allegations per year, again with these rings and other things, those numbers snowball. When you break open one -- as we have seen unfortunately with many of the things that go on within government, the same is true in the private sector -- when you break one you really go out and cast a much wider net. So the sum of those numbers that you're hearing aren't necessarily indicative of the total need of a unit such as this because once you start your investigation you very quickly realize the problem is that much larger. Thank you.

Applause

CHAIRMAN TONNA:

Legislator Fisher?

LEG. VILORIA-FISHER:

Thank you, Mr. Chair. We're going to be working on the budget, as you know, and each year we look at certain budget items and there are those of us who make a case that putting in a budget line will actually save us money. So I want you to say on the record approximately what our net income would be for each position that we fill. I know that you can't give an exact number, but it's important for us when we're working on a budget to say -- I'm supporting almost word for word everything that Legislator Losquadro said and he built upon what Legislator Foley had said. There are some divisions in Social Services, I know that there's another one I think that deals with mortgages and things that people own, I'm trying to remember what that -- another investigative unit that also brings in funds and we supported that several years ago where that was going to be cut, it seemed ridiculous to cut positions that were bringing in revenue. So do you have a number, an approximate number?

DEPUTY COMMISSIONER HERNANDEZ:

The best I can do is restate what we estimated before.

LEG. VILORIA-FISHER:

Okay.

DEPUTY COMMISSIONER HERNANDEZ:

We based it on last year's --

LEG. VILORIA-FISHER:

Excuse me. If everyone could just listen to this number because we're going to be using this number at budget time, it's really important if we want to get these positions filled, to know this net revenue number from each of these positions.

DEPUTY COMMISSIONER HERNANDEZ:

On the back end, based on last year's savings which was the lowest in a number of years but that is for other reasons, it came out to \$145,000 per investigator. So, I mean, that's the best --

LEG. VILORIA-FISHER:

And that's after we paid the salary of that Investigator.

ASST. COMMISSIONER BARNES:

No, net.

DEPUTY COMMISSIONER HERNANDEZ:

No, that's just the total savings.

LEG. VILORIA-FISHER:

The total savings.

DEPUTY COMMISSIONER HERNANDEZ:

The net savings.

LEG. VILORIA-FISHER:

Okay.

DEPUTY COMMISSIONER HERNANDEZ:

The gross savings on --

LEG. VILORIA-FISHER:

That's the gross savings.

CHAIRMAN TONNA:

Wait, wait, gross or net?

DEPUTY COMMISSIONER HERNANDEZ:

Gross.

LEG. VILORIA-FISHER:

Gross savings.

DEPUTY COMMISSIONER HERNANDEZ:

The bottom line for that unit was a little over \$600,000.

CHAIRMAN TONNA:

Right.

LEG. VILORIA-FISHER:

And say again what the gross savings was?

DEPUTY COMMISSIONER HERNANDEZ:

It can save the County -- that's recouped money that the County already paid out.

LEG. VILORIA-FISHER:

Can you just restate the number per investigator?

DEPUTY COMMISSIONER HERNANDEZ:

A hundred and forty-five thousand per investigator, this is money that's already been spent by the County. On the front end it's a little fuzzier because its potential cost to the County that's

being saved and the estimate was \$2.8 million. And as I said, some of it's reimbursed to us at 25%, some of it 50%, so we took an average of \$1 million for the five investigators and it came out to \$200,000 in costs that the County did not have to pay out per investigator; so that's not actual dollars, those are projected savings.

LEG. VILORIA-FISHER:

Okay, but in actual savings it's \$145,000 per investigator.

DEPUTY COMMISSIONER HERNANDEZ:

Back-end, yes.

LEG. VILORIA-FISHER:

And when we are paying these salaries there, because of the caps on -- the administrative caps that have been met, it's 65% reimbursement. So for every salary we have 65% reimbursement, of course we still have the benefits package and all of that which is out of our budget, but that's what we're subtracting from \$145,000 per Investigator and then coming out with a net gain, a net revenue per investigative position.

DEPUTY COMMISSIONER HERNANDEZ:

That is what we're projecting, that's correct.

LEG. LOSQUADRO:

And if I could just add one final comment on that.

LEG. VILORIA-FISHER:

Thank you.

LEG. LOSQUADRO:

There's not just the actual savings, I know you're looking for a hard number there. Yes, there is the 145,000 less, the portion of the salary that we're not reimbursed, but again, from an insurance company perspective, the potential savings of denial of claims is tremendous not only in the actual savings but also in the deterrents of future fraudulent claims. When you put a strong system in place that people will know that there is going to be that additional level of scrutiny, they may look elsewhere, they may look at our neighbor to the west or our neighbor further to the west but as long as it's not us and we have that system in place, that's what we're

looking for.

CHAIRMAN TONNA:

I would think that the County Executive would be for more because he's trying to clean-up fraud, right, this is one of the things -- you know. So let's just hope, Ivan, when you're communicating that back, it's similar to some of the themes that he's articulated that are priorities of his to clean-up fraud. So hopefully we would support more workers, right, so we can clean up fraud.

LEG. MYSTAL:

Paul?

CHAIRMAN TONNA:

Thank you.

LEG. MYSTAL:

Paul, just a question.

CHAIRMAN TONNA:

Yes.

LEG. MYSTAL:

Excuse me for standing up because I have some problem. The -- I do applaud your effort to control fraud, but in my district office what we've dealt with most of the time are people coming in saying that they are being denied because of various paperwork; and I'm sure you guys have heard from my office a lot, I know that because I'm always coming to you. It has been said, and I forgot who said it, that the welfare reform that my President Bill Clinton enacted had been done on the back of poor people, that we are having reduced costs of welfare, reduced costs of social services because the claims are being denied to people in need and that's how we saw this tremendous kind of accomplishment in our social services in terms of reducing our costs.

My thing is that, you know, although I do applaud your very zealot-like attitude toward going after fraud, at the same time I feel a lot of time a lot of people are being denied services because they cannot navigate, nor do they comprehend, nor do they understand, nor do they know how to deal with the system.

CHAIRMAN TONNA:

But Elie, just to say, that has nothing to do with what you're doing. I mean, that's true, but this unit makes more available funds so that those people can get the money that they need.

LEG. MYSTAL:

I do understand that.

CHAIRMAN TONNA:

And by the way, your President Bill Clinton was responsible for, you know, a great political move of cutting off and making sure that it went to the County level and the State and put it on our backs, all right, the needs because, you know, the closer the government, it's a principal subsidiary, the closer that you are to the people, the more responsible that they are. You know, we're the ones who have to deal with it because of, you know -- and again, it was a great macro political move on behalf of your President, but the fact is that, you know, there are people suffering because of it.

LEG. MYSTAL:

I'm not accusing these people of doing it, I'm just saying, I just want to put it on the record that somehow those two things, Social Services also provides the services to the people who need and make the system fairer and more comprehensible to them to assess it, that's my comment. Thank you.

ASST. COMMISSIONER BARNES:

Thank you.

LEG. VILORIA-FISHER:

Can I just piggyback on that? Because I disagree with the Chair, I think that Elie makes some very good points about there being people who are denied benefits, and sometimes it's because they don't know how to navigate the system and not because they are part of a fraudulent ring. My hope is that if we have enough staff so that we can investigate where there might be fraud and eliminate those cases that actually are not fraud, that maybe we can be more expeditious in weeding out those cases that might look like fraud; is that true? Traci, you're nodding yes?

ASST. COMMISSIONER BARNES:

I think --

LEG. VILORIA-FISHER:

Because I don't want to get \$145,000 per investigator on the backs of people who might be sanctioned because they didn't show up on time.

ASST. COMMISSIONER BARNES:

I think they're two very, very distinct --

LEG. VILORIA-FISHER:

Okay. Can you explain that, then, because I want that to be very clear.

ASST. COMMISSIONER BARNES:

I will do my best. One is eligibility.

LEG. VILORIA-FISHER:

Yes.

ASST. COMMISSIONER BARNES:

You know, that's someone making an application. At that point the eligibility worker, if there is some part of that application they can't verify, they would make a Feds referral. They do the -- what do you do?

LEG. VILORIA-FISHER:

That front end investigation.

ASST. COMMISSIONER BARNES:

They do the field work, they do the field work, the eligibility work is inside, they do the field work; so it really doesn't comingle.

LEG. VILORIA-FISHER:

But that is an investigator who's doing that.

ASST. COMMISSIONER BARNES:

Absolutely.

LEG. VILORIA-FISHER:

Right.

ASST. COMMISSIONER BARNES:

But as far as what Legislator Losquadro had mentioned, if the integrity of the system is raised I think we will see a minimizing of people attempting to take advantage of the system, clogging our application caseload and the people that are deserving the benefits will get them.

CHAIRMAN TONNA:

Right. If there will be less they know it doesn't behoove them to go through a system that has integrity.

ASST. COMMISSIONER BARNES:

We can only hope.

CHAIRMAN TONNA:

All right, let's go to the video tape, I mean let's go to the agenda.

ASST. COMMISSIONER BARNES:

Thank you.

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TABLED SUBJECT TO CALL

CHAIRMAN TONNA:

1337-04 - Directing the Commissioner of health to fill vacant positions in the Division of Waste Water Management (Binder). There was a motion that was subject to call. I'll make a motion to approve, we need to fill those vacant positions, despite the fact that it was sponsored by Legislator Binder. All in favor? Opposed?

LEG. FOLEY:

On the motion. On the motion.

LEG. LOSQUADRO:

Second.

CHAIRMAN TONNA:

On the motion.

LEG. FOLEY:

If we could have the Commissioner of Health step forward, please, on this?

CHAIRMAN TONNA:

The Acting Commissioner?

LEG. FOLEY:

Acting Commissioner and Mr. Young I believe wants to -- Mr. Young, do you want to speak on this as well? All right, Commissioner -- I have a question, Mr. Chairman.

CHAIRMAN TONNA:

Sure.

LEG. FOLEY:

Thank you. Hi. How are you, Commissioner Mermelstein?

ACTING COMMISSIONER MERMELSTEIN:

Hi.

LEG. FOLEY:

At our last meeting we had tabled this resolution, either you and/or the administration mentioned that four of the five positions, SCIN forms were approved to fill, to be filled; is that not correct.

ACTING COMMISSIONER MERMELSTEIN:

That is correct. At this time we're canvassing and interviewing for those positions.

LEG. FOLEY:

Okay. So with that answer, Mr. Chairman, why -- you know, respectfully, why is there a need to approve the resolution?

CHAIRMAN TONNA:

Because that's 80%.

LEG. FOLEY:

No, no.

CHAIRMAN TONNA:

Yeah, four out of the five, we want all five.

LEG. FOLEY:

Which position -- thank you. Which position is not being canvassed for?

ACTING COMMISSIONER MERMELSTEIN:

One of the clerical positions.

LEG. FOLEY:

Clerical positions.

CHAIRMAN TONNA:

Right.

LEG. FOLEY:

Okay. And the clerical position --

CHAIRMAN TONNA:

Is an important position.

LEG. FOLEY:

Well, let me just finish the point, please, Mr. Chairman. Do you intend to use other clericals for the job that this particular person would be used for? Why are you only doing four out of five, let's put it that way.

ACTING COMMISSIONER MERMELSTEIN:

When we put in our hiring plan, we have to stay within the confines of what the budget will allow.

LEG. FOLEY:

Okay.

ACTING COMMISSIONER MERMELSTEIN:

And we have to prioritize within the department. And as you know, it's a sprawling, very large department --

LEG. FOLEY:

Sure.

ACTING COMMISSIONER MERMELSTEIN:

-- with very many, very pressing needs, so in order to be able to prioritize this is how we did it. There are other needs in the department for staffing and those took priority over this. We understand that there has been a backlog, we've been working on that since I came on board at least.

LEG. FOLEY:

Mr. Chairman, the point that I would raise, particularly with the sponsor of the bill, the sponsor of the bill had realized from the answer given that this committee at the last meeting that four of the five positions were being filled. That being the case, he had the opportunity to amend his resolution so that the one position that the department had not -- was not canvassing for, he had and still has the opportunity to amend the budget to reflect that one position. I think it's redundant and if not superfluous to pass a resolution where 80% of those positions are now being canvassed for filling.

CHAIRMAN TONNA:

Thank you.

LEG. FOLEY:

So I would oppose this resolution until such time that the sponsor amends it reflecting the one position that the department -- clerical position for the department is decided not to canvass for.

CHAIRMAN TONNA:

Just Dr. Mermelstein, when the SCIN forms were signed, was that after the bill was put in?

ACTING COMMISSIONER MERMELSTEIN:

No, I believe they were signed and sent to us beforehand.

CHAIRMAN TONNA:

Before the bill was put in.

ACTING COMMISSIONER MERMELSTEIN:

Oh, before it was laid on the table?

CHAIRMAN TONNA:

Yes.

ACTING COMMISSIONER MERMELSTEIN:

No.

CHAIRMAN TONNA:

No. It seems like -- it sounded like there was a bill that might pass or whatever.

LEG. FOLEY:

Okay.

CHAIRMAN TONNA:

They fill the positions -- I'm just asking. Legislator Levy -- I mean Legislator --

LEG. FOLEY:

Now you're questioning --

CHAIRMAN TONNA:

Legislator Foley --

LEG. FOLEY:

You're now questioning motives, you're questioning motives.

CHAIRMAN TONNA:

No. Legislator Foley, I'm doing the -- actually --

LEG. FOLEY:

You're questioning motives and the fact of the matter is --

CHAIRMAN TONNA:

You probably noticed, this is the same line of questioning that you have asked for the last how many years that we were together.

LEG. FOLEY:

That question I've never asked.

CHAIRMAN TONNA:

Absolutely ridiculous.

LEG. FOLEY:

Not that question, not that question.

CHAIRMAN TONNA:

This is absolutely in your modus operandi.

LEG. FOLEY:

Not that question.

CHAIRMAN TONNA:

So --

LEG. FOLEY:

Not that question.

CHAIRMAN TONNA:

Legislator Foley.

LEG. FOLEY:

The fact of the matter is --

CHAIRMAN TONNA:

I went to school on Foleism, all right, I've had many years studying the subject. This is the exact same question.

LEG. FOLEY:

No it's not.

CHAIRMAN TONNA:

And I appreciate that as Minority Leader that you feel a need to defend our current County Executive.

LEG. FOLEY:

It has nothing to do with Minority Leader.

CHAIRMAN TONNA:

And I feel that I should defend the current County Executive when he's right --

LEG. FOLEY:

It has nothing to do with --

CHAIRMAN TONNA:

-- on this position. Listen, it's killing me to actually have to mention a Binder resolution, okay. Every time I see the name Binder I cringe, but the fact is is that these are very,very important positions.

LEG. FOLEY:

Correct.

CHAIRMAN TONNA:

A bill was put in, low and behold the SCIN forms were signed, miracle of miracles, great, I'm glad to hear it.

LEG. FOLEY:

They're signed.

CHAIRMAN TONNA:

There's still one more position.

LEG. VILORIA-FISHER:

But wasn't it the right thing?

CHAIRMAN TONNA:

The right thing was done, yeah, which is great, I have to admit it.

LEG. FOLEY:

But they're signed.

CHAIRMAN TONNA:

Four out of the five.

LEG. FOLEY:

Mr. Chairman, I would say this to you. Mr. Chairman, I would say this to you. Before you call the vote, I would say this to you, if that resolution -- if the department had not -- if the SCIN forms hadn't been signed for those four positions, Mr. Chairman, I would be supportive of the bill right now.

CHAIRMAN TONNA:

Okay.

LEG. FOLEY:

However, whatever the motivation was, however we got to this point, I think the fact of the matter is four of the five are now signed off on. And I'll say it again, if those four were not signed off on then I would be with you a 110% supporting this.

CHAIRMAN TONNA:

If the --

LEG. FOLEY:

What has to happen is the bill has to reflect the reality we're in.

CHAIRMAN TONNA:

Will you vote for it if there is one more --

LEG. FOLEY:

Amend it.

CHAIRMAN TONNA:

If the sponsor of the bill amends the bill for the one position.

LEG. FOLEY:

For that one clerical position.

CHAIRMAN TONNA:

One clerical position, you will cosponsor it or vote for it?

LEG. FOLEY:

I will support the motion.

CHAIRMAN TONNA:

Okay, great; I have you on the record. I'll make a motion to table, since we have four of the five
--

MR. COHEN:

No.

LEG. VILORIA-FISHER:

Second.

CHAIRMAN TONNA:

No? They're already being filled, we have one position.

LEG. VILORIA-FISHER:

Right, I'll second that motion.

CHAIRMAN TONNA:

One position and we're going to have a unanimous -- what?

MR. COHEN:

It sends a message.

CHAIRMAN TONNA:

Well, listen, the message has already been sent. The message has been sent because four of the five SCIN forms were signed, Legislator Cohen. Anyway, so I just want to go back -- I want to go back to the fact --

LEG. FOLEY:

I commend the sponsor of the bill for putting the resolution forward --

CHAIRMAN TONNA:

Okay. So we are going to --

LEG. FOLEY:

-- because it helps to move the process.

CHAIRMAN TONNA:

We're in the interview process right now, right, Dr. Mermelstein?

ACTING COMMISSIONER MERMELSTEIN:

Correct, yes.

CHAIRMAN BINDER:

So these positions, de facto, are being handled, right?

LEG. VILORIA-FISHER:

On the motion.

CHAIRMAN TONNA:

Yes? No, no, wait, I saw a look over there and it was like kind of;
Are we definite.

LEG. VILORIA-FISHER:

Id' like to ask Vito.

MR. MINEI:

The process is in place.

CHAIRMAN TONNA:

The process -- excuse me?

LEG. VILORIA-FISHER:

Can you get to the microphone?

CHAIRMAN TONNA:

Please identify yourself, name, rank and serial number.

LEG. VILORIA-FISHER:

Okay, Vito --

MR. MINEI:

Good morning.

LEG. VILORIA-FISHER:

-- you started to canvass?

MR. MINEI:

I'm Vito Minei, I'm Director of the Division of Environmental Quality.

CHAIRMAN TONNA:

Right.

MR. MINEI:

The process is in place. The SCIN forms have been signed, the lists that have been established have been forwarded to our Office of Waste Water Management. I came forward just to respond to the question of timing and I just wanted to make a couple of quick points.

Number one, the County Executive himself sent a letter to us back in February, early February, with regard to the backlog in Waste Water Management --

CHAIRMAN TONNA:

Great.

MR. MINEI:

-- and requested what kind of positions that we needed to address that backlog. As Dr. Mermelstein mentioned, our priority in accordance with the directive from the County Executive predated the resolution, so the process was indeed in place before the resolution.

But we still -- having said that, I still appreciate the intent of it and we know that all of you signed on to the Omnibus bill acknowledging it. So thank you again.

CHAIRMAN TONNA:

Okay.

LEG. VILORIA-FISHER:

So Mr. Chair, the tabling motion makes sense.

CHAIRMAN TONNA:

Yeah, that sounds great, I'm glad. I'm going to make a motion to table. I think the suggestion of Legislator Foley, knowing now that he will sponsor --

LEG. FOLEY:

No, not sponsor.

CHAIRMAN TONNA:

I mean not sponsor but support, support both in committee and on the floor of the Legislature a position to add that one secretarial position.

LEG. FOLEY:

Clerk Typist.

CHAIRMAN TONNA:

Clerical typist position, that's great. And so there's a motion to table, I'll make the motion to table, seconded by yourself. All in favor? Opposed?

LEG. SCHNEIDERMAN:

Opposed.

CHAIRMAN TONNA:

Opposed, Legislator Schneiderman. Thank you.

LEG. LOSQUADRO:

Opposed also.

LEG. NOWICK:

Opposed.

CHAIRMAN TONNA:

All right, we have Legislator Losquadro and Legislator Nowick opposed, okay.

MR. COHEN:

Now it goes from tabled subject to call to just tabled.

CHAIRMAN TONNA:

Tabled and hoping that, you know, that there's an amendment considering there are four of the five positions, there's a redundancy. Yeah, it's back on as ***tabled (VOTE: 5-3-0-0 Opposed: Legislators Losquadro, Nowick & Schneiderman).***

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INTRODUCTORY RESOLUTIONS

Okay, ***1389-04 - Authorizing Estee Lauder Breast Cancer Awareness Program at H. Lee***

Dennison Executive Office Building and Cohalan Court Complex (Alden). I'll make a motion.

LEG. VILORIA-FISHER:

Second.

CHAIRMAN TONNA:

Seconded by Legislator Fisher. I'm aware of the program, Legislator Alden is correct in asking for the Lee Dennison Building with regard to Estee Lauder who's been on the forefront of breast cancer awareness. There's a motion and a second. All in favor? Opposed? **Approved (VOTE: 8-0-0-0).** Great.

1406-04 - Transferring 100% grant funds from the New York State Office of Mental Health to the Department of Health Services, Division of Community Mental Hygiene Services, from Pederson-Krag AOT to Pederson-Krag SPOA (County Executive).

LEG. FOLEY:

Motion.

CHAIRMAN TONNA:

Motion by Legislator Foley, seconded by Legislator Losquadro. All in favor? Opposed? I'd ask that this be put on the consent calendar; do I have to vote on that?

LEG. FOLEY:

Yes.

CHAIRMAN TONNA:

Motion by myself, second by Legislator Nowick. Throw that one on the consent calendar.

1407-04 - Accepting and appropriating 100% grant funds from the United States Department of Agriculture to the Department of Health Services, Division of Public Health, for research on bettering surveillance of arboviral threats using West Nile as a model and to create two new positions (County Executive). Same motion, same second, same vote. **Approved (VOTE: 8-0-0-0).** And then for the ***consent calendar*** vote, same

motion, same second, same vote **(VOTE: 8-0-0-0)**.

1411-04 - Amending the 2004 Operating Budget to create three new positions with the Department of Health Services, Division of Public Health for Public Health Preparedness and response to bioterrorism (County Executive). Is there -- I'll make a motion to approve, seconded by Legislator Nowick. All in favor? Opposed? **Approved (VOTE: 8-0-0-0).**

1414-04 - Appropriating funds in connection with the Forensic Sciences Medical and Legal Investigative Consolidated Laboratory (CP 1109) (County Executive). There's a motion -- sorry, 1411 we just voted on, right? 1414, motion by myself, seconded by Legislator Fisher. All in favor? Opposed? **Approved (VOTE: 8-0-0-0).** It is a hundred percent grant but they didn't articulate it, we'll leave it -- it's about three new positions. Okay.

1420-04 - Appropriating funds in connection with the modification and installation of fire alarm and intrusion alarm systems (CP 4064) (County Executive). I'll make a motion to approve, seconded by Legislator Nowick. All in favor? Opposed? **Approved (VOTE: 8-0-0-0).**

Do we want to put that on consent calendar?

LEG. NOWICK:

Yes.

LEG. FOLEY:

Is it a hundred percent? No.

CHAIRMAN TONNA:

No, it's appropriating funds -- it's our own funds. Okay.

1430-03 - Accepting and appropriating a 100% reimbursed grant from the U.S. Department of Housing and Urban Development for an Emergency Shelter Grants Program and authorizing the County Executive to execute an agreement (County Executive). I'll make a motion to approve, seconded by Legislator Schneiderman. All in favor? Opposed? **Approved (VOTE: 8-0-0-0).** We'll put that on the consent calendar, I'll make a

motion, second by Legislator Schneiderman to put it on the consent calendar. All in favor? Opposed? Approved, ***on the consent calendar (VOTE: 8-0-0-0).***

LEG. FOLEY:

Mr. Chairman, I would just like to have from Mr. Sanseverino the backup to the resolution prior to Tuesday, okay, for 1430. Thank you.

CHAIRMAN TONNA:

1430; all right? Thank you.

1433-04 - Transferring 100% federal pass-thru grant funds from the Department of Probation to the Department of Health Services, Division of Community Mental Hygiene Services, to continue the Functional Family Therapy Treatment Model for PINS Youth and their families and authorizing the County Executive to execute grant related agreement (County Executive). Motion by myself, seconded by Legislator Montano. All in favor? Opposed? ***Approved (VOTE: 8-0-0-0).*** And now I'm going to ask to put that on the consent calendar; I'll make a motion, second by Legislator Montano. All in favor? Opposed? ***1433 on the consent calendar. (VOTE: 8-0-0-0).***

1436-04 - Amending the 2004 Operating Budget to transfer funds from the Suffolk County Water Protection Fund (477) Reserve Fund to the Suffolk County Department of Health Services Division of Environmental Quality for "Remote Sensing to Support Vector Control Wetlands Management" (County Executive). Motion by Legislator Fisher, seconded by Legislator Foley. All in favor? Opposed? ***Approved (VOTE: 8-0-0-0).*** Could we put this on the consent calendar?

LEG. VILORIA-FISHER:

No.

CHAIRMAN TONNA:

No, all right.

1437-04 - Amending the 2004 Operating Budget to transfer funds from the Suffolk County Water Protection Fund (477) Reserve Fund to the Suffolk County Department of Health Services Division of Environmental Quality for "Caged Fish Study for the Effects of Mosquito Spraying on Local Organisms" (County Executive). Motion by

Legislator Losquadro, seconded by Legislator Foley. All in favor? Opposed? Throw this on the consent calendar?

LEG. FOLEY:

No.

CHAIRMAN TONNA:

I didn't think so, but you've got to ask.

1440-04 - Adopting Local Law No. 2004, a Local Law to require defibrillators in health clubs in Suffolk County (Alden).

Motion by Legislator Mystal, seconded by Legislator Losquadro.

MS. JULIUS:

It has to be tabled.

CHAIRMAN TONNA:

Mystal, Mystal, it's all the same. I just want to say, Elie -- Elie -- Legislator Elie? All in favor?

MS. KNAPP:

Is the public hearing closed?

MS. JULIUS:

No.

MS. KNAPP:

No, it's not.

CHAIRMAN TONNA:

It's not? All right, we have to keep it -- okay, we have to make a motion to table; I'll make a motion to table 1440, seconded by Legislator Schneiderman. All in favor? Opposed? ***Tabled (VOTE: 8-0-0-0).***

LEG. SCHNEIDERMAN:

Why are we tabling?

CHAIRMAN TONNA:

Because it's still open to a public hearing.

1442-04 - Accepting and appropriating 100% additional State Legislative add-on grant funds from the New York State Department of Health to the Department of Health Services, Division of Patient Care Services for the Family Planning Program (County Executive). Motion by myself, seconded by Legislator Foley. All in favor? Opposed? ***Approved (VOTE: 8-0-0-0).***

All right, and we'll put that on the ***consent calendar***, all right. Make a motion -- same motion, same second, same vote ***(VOTE: 8-0-0-0).***

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SENSE RESOLUTIONS

Resolution Sense 26-2004 - Memorializing Resolution requesting the New York State Legislature to pass the Mental Health Parity Bill known as "Timothy's Law" (Cooper).

Motion by --

LEG. FOLEY:

Motion.

CHAIRMAN TONNA:

-- Legislator Foley. On the motion, what does this do, Counsel?

What does the Timothy Law do?

LEG. VILORIA-FISHER:

Parity with mental health patients.

MS. KNAPP:

Legislator Viloria-Fisher is correct. It's a Sense Resolution asking the State to put mental health services on the same footing and parity as Health Services in terms of their ability to be funded through whatever sources are available and to be treated basically as a health condition.

LEG. FOLEY:

This is something, by the way, that the late Senator Wellstone with Senator Domenici had been working on for years in the Federal Government.

CHAIRMAN TONNA:

Okay, great. Motion and a second. All in favor? Opposed?

Approved (VOTE: 8-0-0-0). Who is the second, by the way, on that one? It was me, let's say, okay? Thanks. Me meaning Legislator Paul Tonna.

All right, and then ***Sense 27-2004 - Memorializing Resolution requesting assistance to establish adequate housing for displaced residents of adult homes in Suffolk County (Cooper).*** Motion by myself, seconded by Legislator Foley. All in favor? Opposed? Great, ***approved (VOTE: 8-0-0-0).***

Thank you very much to my co-committee members for a vivacious day. And Legislator Foley, I'm on to you, I'm watching you.

LEG. FOLEY:

We're watching you, too.

CHAIRMAN TONNA:

I've got my eyes on you.

LEG. FOLEY:

And let me just say this. When Commissioner Mermelstein had first taken over the department and I was Chair of the committee, it was a joy to work with you, Linda.

CHAIRMAN TONNA:

Yeah.

LEG. FOLEY:

And you did some great, great work.

CHAIRMAN TONNA:

Absolutely.

LEG. FOLEY:

We know that when you go back to your former position that you'll continue to serve our County in exemplary fashion. So I want to thank you, Linda.

ACTING COMMISSIONER MERMELSTEIN:

Thanks. I wanted to say for the record that it's been an honor and a privilege to be able to serve the residents of Suffolk and I appreciate the support of the current County Executive, the last one and all of -- each and every one of you Legislators, you have been very supportive to me and I appreciate it. I also wanted to say that I've known Dr. Harper for about the last ten years and I think he will do a great job in serving the residents as well. Thank you.

CHAIRMAN TONNA:

Great. Thank you.

LEG. FOLEY:

Thank you.

CHAIRMAN TONNA:

Good team. Thank you.

(*The meeting was adjourned at 11:58 A.M.*)

***Legislator Paul Tonna, Chairman
Health & Human Services Committee***